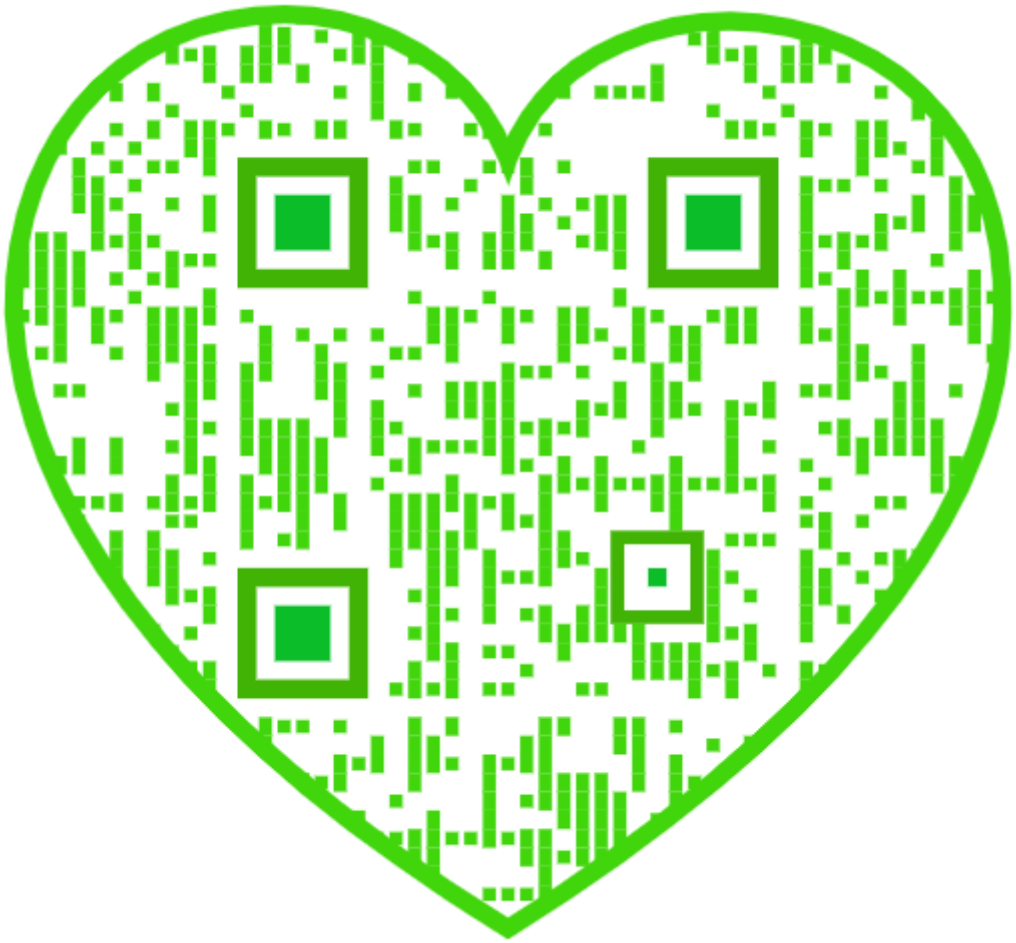
CIVICS AND CITIZENSHIP



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CIVICS AND CITIZENSHIP

A TEXT-BOOK FOR THE BOYS AND GIRLS OF KANSAS WHICH IS INTENDED NOT MERELY TO GIVE THEM INFORMATION, BUT TO ASSIST THEM IN DEVELOPING A QUALITY OF CITIZENSHIP THAT WILL MAKE THEM WORTHY OF THEIR HERITAGE

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PREFACE

The text-book in civil government that concerns itself exclusively with an analysis of the machinery and powers of government leaves in the pupils' minds a gap between the subject-matter studied and the conditions surrounding them that they seldom bridge. They see little connection between civil government and the problems that they hear discussed on every side. A knowledge of the fundamental principles of government is necessary, but it is necessary because it must serve as a basis for a knowledge of the *workings* of government.

The real purpose of the study of civics is that of training for citizenship. The pupils should be led to see the relation between government and the everyday affairs of life, and the relations of individuals to each other; the relation of health, education, and industry to the public welfare; the relation of honesty to civic duties; the importance of obedience to law and authority.

There is nothing more interesting to the boys and girls than the affairs of the world in which they are so soon to take part, and if it can be made clear to them that their welfare will depend largely upon government, there will be no question about their interest in this subject. This result can be brought about only by making the study of government as personal as possible, through a study of the home, the school, and the community. A text-book can at best be but a framework for such study; it should be amplified by observing local conditions, and the functions and activities of local government. The facts learned in the various chapters concerning such

matters as health, education, charity, labor, taxes, and elections should be applied by the pupils to their own communities.

Studied in this way, civil government will bring the pupils into touch with the life about them; it will open their eyes to the problems that their parents are discussing, it will stimulate in them a desire to take an intelligent part in public affairs and to assist in the solution of the problems. The object should not be merely the acquisition of a number of facts, but the pupils should become imbued with the spirit of American government. It should be remembered that, "The letter killeth, but the spirit maketh alive."

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"Of all systems of government, the most difficult to establish and render effective, the one which evidently requires the greatest maturity of reason, of morality, of civilization, in the society to which it is applied, is the federative system of the United States.

"The public business of America is the private business of every citizen."

—SELECTED.

CIVICS AND CITIZENSHIP

CHAPTER I

NECESSITY FOR LAWS

Laws are Necessary for All Organized Effort.— School work is carried on in accordance with a number of rules and regulations with which you have grown so familiar as scarcely to realize that they are rules. Work must begin at a certain hour, a given length of time is set aside for each recitation, there is a regular time for dismissal, certain requirements must be met in order to complete any subject, orderly conduct is demanded; these are only a few of the rules governing you each day. But suppose there were no rules, that each pupil could come and go as he wished, recitations could be held or not, according to the pleasure of teacher and pupil, with no check on anyone's conduct, and no standard of work. It will readily be seen that such a school would be useless; no satisfactory work could be done, nothing accomplished. A successful school could not be carried on if every pupil could do as he pleased.

If you play a game, whether it is baseball, or tennis, or tag, or dare-base, — whatever it is, you must be guided by the rules of that game.

It is necessary both for work and for play to have a set of rules or laws in order to carry out your plans without interfering with others. But it is not the boys and girls only who must obey rules. People who manage farms, or stores, or banks, or any other kind of business, or who

organize churches, or clubs, or baseball leagues, must all obey certain rules or laws just as you do at school. And so we see that laws are necessary to enable people to work together successfully. In other words, *laws are necessary for all organized effort.*

To Protect Property.—A boy who has bought a pocket knife and a man who has bought a farm each wishes to feel secure in his possession; each wishes to know that no one can take it from him. When people build houses and churches and schools they want to be sure that these buildings will be safeguarded in some way. Everyone must be secure in the possession of his property. The playmate who takes the boy's knife, and the man who burns another's building must each be punished. And so we find it necessary to have *laws to protect property.*

To Protect Persons.— One who purposely strikes or injures another is liable to punishment. The carrying of concealed weapons, or the use of firearms within a city, would, if permitted, endanger the lives of others. If there were no laws providing for such officers as policemen and sheriffs to protect us, we could never be safe from harm. There must be *laws to protect persons.*

To Settle Disputes.— Children may get into disputes over their toys, boys and girls over their games, and men may dispute each other's rights in business. Differences of opinion are constantly arising, and unless the persons themselves can settle their difficulty there must be some authority to whom it may be taken. This may be the parents, or the teacher, or the umpire, or the courts. But whatever the authority, it is clear that another necessity is that of *laws for the settlement of disputes.*

Many Laws.— In order to accomplish all these objects with their great scope and numerous subdivisions, many laws are necessary; so many that people sometimes think

they are oppressed by laws, that their rights are being taken from them, and they complain that they have no liberty.

The Meaning of Liberty.— Every human being desires liberty, and history is very largely an account of the struggles of people to obtain it. But liberty does not mean absolute freedom of action, for if everyone were free to do as he wished, we would be at the mercy of those who have no regard for the rights of others; the strong would oppress the weak, and the cunning and evil-minded would take advantage of those who wanted to be honest and fair.

Real liberty means freedom to act in any way we may desire, only so far as we do not interfere with the rights of anyone else. A man living alone on an island, might have absolute freedom, for there would be no one whom his actions would affect, but people do not live on lonely islands; they live in groups or communities where they must do a great many things they would prefer not to do, and refrain from doing a great many things that they wish to do, because the good of the other members of the community demands it.

QUESTIONS

1. Give four reasons why laws are necessary. What is meant by organized effort? What is the purpose of such an organization as a school? A church? A ball team? Give a law or rule governing each. Name other organizations of your community. Give some laws intended to protect property. To protect persons. To settle disputes. Explain why each is necessary.

2. What is liberty? Why can people not have absolute liberty? Give laws obeyed in the home, and in the school, to prevent you from interfering with the rights of others. Show that the same laws protect your own liberty. What is the meaning of the quotation from Lincoln?

For Supplementary Study.

Hoxie, How the People Rule, 10–24.
Smith, Training for Citizenship, 15–32.
Forman, Essentials in Civil Government, 1–20, 24–32.
Forman, Advanced Civics, 242–247.
Ashley, American Government, 1–6.

Let reverence of the law be breathed by every mother to the lisping babe that prattles on her lap; let it be taught in schools, seminaries and colleges; let it be written in primers, spelling-books and almanacs; let it be preached from pulpits, and proclaimed in legislative halls, and enforced in courts of justice; in short, let it become the political religion of the nation.—Abraham Lincoln.

CHAPTER II

THE HOME AND THE COMMUNITY

The Family.— The smallest group in which people live is the family, and it is here that they learn their first lessons concerning the making and enforcing of laws, the meaning of liberty, and the necessity of obedience.

Obedience.— It is in the home that the child discovers that he cannot do altogether as he pleases, but that the rights of others must be regarded. Any young person who refuses to render obedience in the home, or who fails to assume a just share of its duties, is developing habits that can bring only trouble and sorrow later; for nothing is more certain than the fact that everyone will be subject to authority of various kinds and will be compelled to do a share of the world's work so long as he lives. The disobedient child in the family is the disobedient pupil at school, and later the disobedient citizen. The disobedient citizen is the law-breaker. Obedience to authority is one of the fundamental principles of life, and the earlier the lesson is learned the better for the individual.

Responsibility.— In a well ordered home each child has all the freedom that the good of the family will permit, and is given more and more liberty as he grows older and shows that he deserves it. But increased freedom brings responsibility, for if the members of the family are to enjoy its privileges they must also share its burdens and perform a just portion of its duties. These lessons in the home train the child in habits of obedience, and in, an understanding of the necessity of work and responsibility that are indispensable to a successful and happy life.

The result of the lack of this training is evident in the evil habits that develop in homeless children adrift in the large cities.

Importance of the Home.— The homes of a community are of the greatest importance, because on them depends so largely the training of its citizens. It has been said that, "The strength of a nation, especially of a republican nation, is in the well-ordered homes of the people." No outside influence, however bad, can entirely overcome the effects of a good home, and no community can provide means sufficient to produce good citizens if the government in the homes is wrong.

The Community.— A group of people, usually a number of families, living in one locality, is a community. The group may be composed of many or few people, and the area covered may be large or small. It may be a farming community or a city. Whatever its form, a community is bound together by the common interests of its people.

If it is a city it is interested in its streets, sidewalks, schools, waterworks, lighting system, and many other things that have to do with only that particular group. If it is a farming community, it is interested in its roads, bridges and school. But the word community may be applied to a larger group than a neighborhood or a city, for several groups of people may have the same interests, thus forming a community which may consist of a county, or a state, or even a whole nation.

The Community and the Family.— No matter how large a community may become, the importance of its homes never grows less. The family must care for the health of its members, it must educate them, provide for their social welfare, and punish them for wrong-doing. But these things are not done by the family alone, the community must render the same services on a larger

scale and the less there is done by the family, the more must be done by the community. Much of the work of government is made necessary by the failure of the home to perform its full duty.

The Community and the Individual.— If the welfare of each citizen depended upon himself alone, life would be a simple matter. But such is not the case; each individual is a part of a community, and his life is interwoven with the lives of his fellowmen. People desire many different things and in order to satisfy their wants the members of a community must work together. To satisfy their desire for knowledge they establish schools. To satisfy their religious desire they build churches and worship together. The love of beauty implanted in all human beings leads to the erection of beautiful homes and public buildings and to the care of streets and lawns. To enable them to satisfy their other desires people need wealth, and in order to secure it they engage in business of various kinds.

In all of these activities of any community, each person contributes a part and abides by the result. If the people are intelligent and industrious, if they set a high standard for the satisfaction of their desires, the result will be apparent in their community. Every individual tends to make his community like himself. If he has high ideals of education he will work to improve the schools; if he keeps his premises in repair, plants trees and flowers, and makes his home attractive, he adds to the pleasure of the community and influences others to follow his example; if he is a successful farmer he adds to the prosperity of his community. Everyone who makes his community better for his having lived in it, is a good citizen. This relation of any person to his community is called citizenship.

QUESTIONS

1. What is the smallest unit of government? Is it a kindness to a child always to permit him to do as he pleases? Why? What are some of the privileges of the child in the home? Some of his responsibilities? Name the privileges and responsibilities of the pupil in school. Why is the home of importance?

2. What is a community? What are some of the common interests of the people in your community? What are some of the common interests of a city community and the nearby farmers? Discuss the size of a community. Discuss your school as a community.

3. What are some of the things that a community does for its people? What is the relation between the community and its homes? Explain how the home can add to the work of government by failing in its duty. Show how good home life decreases the work of government. Name some of the things desired by all people. How are any of them satisfied in the home? In the school? Show how an individual may be benefited or injured by the community. What is citizenship? What does Mr. Reid say of the relation of the individual to his community?

FOR SUPPLEMENTARY STUDY.

Dunn, The Community and the Citizen, 1–15.
Smith, Training for Citizenship, 15–47.
Forman, Essentials in Civil Government, 19–24.

Next to the relations of man with his Maker, there is nothing so deserving his best attention as his relation to his fellowmen. The welfare of the community is always more important than the welfare of an individual or number of individuals; and the welfare of the community is the highest object of the study of politics.—WHITELAW REID.

CHAPTER III

GOVERNMENT

The Necessity of Government.— When we consider the great number of human needs and desires, and see how each person in a community is dependent upon other persons and how each community is dependent upon other communities for the satisfaction of these needs, we begin to realize how necessary it is that there be a power to attend to the matters that cannot be attended to by each individual for himself. This power is called government.

The Nature of Government.— Government consists of a set of laws and an authority to enforce them. Every group of people, whether it be a family, a community, a state, or a nation, must have a government; and every person within a group is subject to its government from the beginning to the end of life. If the government is wise, and just, and efficient, it promotes the happiness of those who are governed; but if it is inefficient or tyrannical, it is a source of misery. Every individual is therefore directly and deeply interested in securing good government.

Forms of Government.— There has never been a time in the history of the world when there were no governments, though in early times they were very simple in form. The governments of the world today are the result of thousands of years of growth and change. They are not all alike; countries have different forms of government, that of each nation reflecting the nature of its people.

There are nearly fifty nations in the world today, and their governments may be classified as follows:

Absolute Monarchy.— In this type of government all power rests in one ruler who is called by such title as king, emperor, czar, or shah. There were formerly many such governments, but as nations have grown more enlightened they have taken more power from their rulers. Today there are probably no absolute monarchies among civilized nations, Russia being the nearest to this form of government.

Limited Monarchy.— In a limited monarchy the power of the ruler is checked by a legislative body and a constitution. There are many nations with this form of government. England, which is ruled by a King and Parliament, is the best example of a limited monarchy.

Democracy.— In a pure democracy all of the people meet to make their laws and elect their officers. Such a plan could be followed only in a very small country, so there are but few pure democracies. The New England township and the Kansas school district are examples of this form of government.

Republic.— In a republic the representatives of the people make and enforce the laws. A republic might be called a representative democracy. The people are the source of all power and they can increase or decrease the power of government as they choose. The United States is the greatest republic in the world. There are a number of others, among them France, Mexico, most of the South American countries, and China which has very recently become a republic.

A Written Constitution.— A written constitution is a document giving the fundamental principles of government.

When the colonies declared their independence and it became necessary for them to establish governments for themselves, they adopted constitutions in which the people

were named as the source of power. The new states naturally modeled their constitutions, to some extent, after their colonial charters. Connecticut and Rhode Island simply kept their charters with necessary modifications, the former not adopting a new constitution until 1818, nor the latter until 1842.

The states soon found it necessary to establish a central government, the powers of which were given in a document called the Constitution of the United States. Each state that has been admitted into the Union since that time has framed a constitution, and thus, with both national and state constitutions, our government may properly be called a constitutional government.

The Divisions of Government.— The Nation as a whole must have a government to look after those matters that concern all of the people. Such matters would be the relations between our nation and foreign nations and those between the states. Since the different parts of the country have varying interests, it is also necessary to have state governments. But even a state is too large to give close attention to the needs of its different communities, and so there must be local governments; these are of various kinds, district, township, city and county. The divisions of government, then, are national, state and local, and each of us is under the authority of all three.

The Functions of Government.— The people do not exist for the government, but the government for the people. It is intended to serve and to protect them, and to promote their welfare. Naturally the question arises as to what the government does in carrying out this purpose. How does it serve, how does it protect, and how does it promote the people's welfare?

The services rendered by government vary, not only in different countries, and in different parts of our own

country, but they change from time to time as the people become more or less wise and enlightened. For this reason it is not easy to say exactly what its functions are, but there are many services that are performed by any progressive government. They may be divided into three general classes.

In regard to the personal welfare of the people, government

Protects health,
Provides for education,
Punishes crime,
Assists the poor and incapable,
Protects persons and property.

Concerning their business and commercial interests it regulates

Business transactions,
Business organizations,
Public lands,
Labor,
Transportation.

The political interests of the people are provided for by such measures as are necessary for conducting the affairs of government. Such measures are

Election of officers,
Levying of taxes,
Regulation of foreign relations,
The administering of justice,
The making of new laws.

The following chapters will discuss the relations of the people to their government in the performance of some of the most important of its functions.

QUESTIONS

1. What is government? Why is it necessary? Name different groups requiring a government. Why should everyone be interested in his government?

2. Is government one of the world's new inventions? Explain why the government of a tribe of early American Indians was more simple than that of our nation today. Name the different forms of government. Explain each. What is the difference between a democracy and a republic?

3. What is a constitution? What were the colonial charters? How did the states come to have constitutions? Why is our government constitutional?

4. What are the divisions of government? Why is this necessary? What is local government? Under how many governments do you live?

5. What is the purpose of government? What is meant by the "functions" of government? Do all governments serve their people in the same way? Do you know how any of them differ? Give some of the functions of government. Quote the opening lines of the Declaration of Independence.

For Supplementary Study.

Channing, Students' History of the United States.
Forman, Advanced Civics.
McMaster, History of United States.
Ashley, American Government.

We hold these truths to be self evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.—Declaration of Independence.

CHAPTER IV

PUBLIC HEALTH

The Value of Health.— Health is necessary to the enjoyment of any of the world's benefits. It means the possession of a strong, well body, and brings with it the ability to work, to learn, to accomplish things, to be happy. It is as important to preserve health in order to live rightly, as it is to prevent death. It is the person who rises each morning able to accomplish a day's work and do it with enjoyment, on whom the world depends for its progress.

Health not only brings us the joy of living, but it enables us to take our places in the world as independent citizens; it is the foundation of all of the pleasure and usefulness of life, and consequently, it is a condition to be treasured carefully if we possess it, and diligently sought for if we have lost it.

The Relation of the Community to Health.— Fresh air, pure food and water, and clean surroundings, are some of the things essential to good health. For a pioneer family, or for any person or family living apart from other people, these conditions depend largely on their own efforts, but in a community where many are closely associated, the health of all may be endangered by conditions for which they are in no way responsible, and the more closely the people are associated, the greater the danger. As a community grows into a town, and the town into a city, the greater the number of people affected by any unhealthful condition, the more of these conditions arise, and the greater the amount of care that must be

taken by the community to protect the health of its people.

Conditions Necessary to Public Health.— Let us see how some of the conditions essential to health may be violated in community life.

Pure Water Supply.— Many cities get their water from a river, and frequently city sewage is drained into this same stream, making the water foul and disease breeding. There is a current belief that running water purifies itself, and it does, finally, because most disease germs die in a few days, but if sewage from different towns is drained into a river at intervals, the water is kept poisonous and unfit for use. Many diseases, especially typhoid, are carried in this way, and a number of cities have suffered epidemics that were directly traceable to lack of care in the water supply or in the disposal of sewage.

Cleanliness.— Cleanliness is one of the most important precautions against disease. It is a matter that must receive the attention of every individual and every home; but any person may be ever so careful and clean in his own life, and yet have disease brought to him through uncleanliness in his community. It may reach him in his drinking water, he may eat food that has been exposed to dust carrying the germs of disease, he may breathe air carrying disease from where someone has spit in a public place, it may be brought to him by flies coming from filth or disease. These are but a few of the many ways in which disease germs may become scattered, but they serve to show us that not only must we be clean ourselves, but we must insist upon others being clean also, if we would preserve our health.

Pure Food.— The purity of the food should receive very careful attention. Artificially preserved foods sometimes contain poison, and although it is in small quanti-

ties its continued use may do great harm. If foods are adulterated, that is, if they have other cheaper materials mixed into them or certain ingredients taken from them, they are usually either harmful or less nourishing. If foods are prepared from inferior, or impure, or unclean materials they are unfit for use. If they are prepared in unclean, or disease laden places, or by persons who are unclean, or carrying the germs of disease, they are extremely dangerous.

In the early history of our country, when most of the food for each family was prepared in the home, there was not so much question about its purity, but conditions today are very different; nearly everything we eat has passed through the hands of a number of people, and it is very necessary that it be carefully guarded along this journey to the consumer.

Fresh Air.— The necessity for fresh air is one of the vital needs of life. This is not a matter of much concern to those who live an out-door life; they breathe pure, invigorating air, and hardly realize that thousands of people die every year for lack of it in sufficient quantities to promote health.

In the cities it is often impossible to have pure air even under the best conditions, while the poorer people are huddled together in factories, workshops, and tenements, with the most meagre arrangements for ventilation. It is here that disease runs riot, and tuberculosis, or "The Great White Plague," finds its thousands of victims.

Cost of Disease.— There is always the great danger that the sick will transmit their disease to those who are well; this is reason enough to cause people to take steps for the protection of the public health, but there is another grave reason why they should do so.

It has been said that, "It costs twenty years and

thousands of dollars to transmit the center of gravity from the stomach to the brain." In other words, it costs much in time, and work, and money to rear and educate a child, and the death of a man or woman is the loss of all that he or she has cost. It is estimated that the number of preventable deaths that occur in the United States each year is nearly 700,000, a number equal to almost half the population of Kansas; that the total amount of sickness would average ten days a year for each person in the United States; and that 3,000,000 persons are constantly so sick as to be unable to care for themselves. There is to be considered not only the suffering, and the burden of caring for all these sick, but also the cost of their nursing, doctor bills and medicines, and their loss of wages amounting altogether, as nearly as can be ascertained, to two billions of dollars each year, or almost twice as much as Congress appropriates to run every department of the government.

Surely then, it is worth while, if looked at only from the money view-point, to use every effort possible to save this great waste of human life.

Who Protects Public Health? — The people attend to matters of public health through their government, which makes laws and chooses officers to carry them into effect. Health regulations must be a part of the government of every community, but as means of travel have developed, it is seen that communities affect each other in matters of health much as individuals do within the community. For instance, a traveler might carry a contagious disease to many towns and neighborhoods; or refuse thrown into a stream might carry disease to towns farther down through their water supply. For these reasons, state-wide authority on many health questions is necessary.

Similarly, matters affecting the health of the people of the whole country are regulated by the National Government. Poisonous foods might be prepared in some factory and shipped all over the country. To prevent such acts national laws have been passed providing for inspection of meats and other foods, and providing that every adulterated food or drug shall bear a label, stating exactly what it contains, so the purchaser may know what he is getting. Another way in which the National Government protects the health of the people is by requiring a physical examination of all foreigners coming to this country before they are permitted to land; if they are found to have a disease, they may be quarantined until the danger of contagion is past, and, in some very serious cases, they are sent back to the country from which they came.

State Board of Health.— The states have special boards to look after matters pertaining to public health. In Kansas, the State Board of Health is composed of ten members, nine of whom are physicians, appointed by the Governor with the consent of the Senate. The members elect a secretary, who becomes the executive officer of the Board; that is, he has general charge of the work. This Board is given authority to make and enforce regulations for carrying into effect the health laws of the State.

County and City Health Officers.— The Board of Commissioners of each county appoints a health officer, and cities appoint such health officers as they deem necessary. Their duty is to assist in carrying out the health work of the State, and to give closer attention to the needs of their communities than it is possible for the State Board to give.

What Kansas Has Done.— Our State has one of the most progressive and efficient Health Departments in the

United States. It has not only enforced the health laws of the State, but it has pursued investigations for the purpose of finding the cause of diseases and the best methods of prevention; it has abolished the public drinking cup, and the public towel; but greater than any other one thing that it has accomplished, is the interest that it is arousing in the people in matters of health and sanitation.

Some of the Sanitary Measures of Kansas.— The following are a few of the most important of the measures that Kansas has established for the protection of her people:

No water for domestic purposes may be supplied to any community until the plan of the system, and the source of supply, shall have been examined and approved by the State Board of Health.

No sewage shall be permitted to flow into any of the waters of the state if it is found by the State Board of Health to be endangering the health of any of the inhabitants. Nor shall sewage be permitted to flow into any stream nearer than three miles above any point where a water supply is obtained.

"Every place occupied or used for the preparation for sale, for the manufacture, packing, storage, sale or distribution of any food or drug, shall be properly lighted, drained, plumbed, ventilated and screened." Many other regulations have been made to insure the purity and wholesomeness of foods and drugs.

Such places as hotels, restaurants, rooming houses, barber shops, and public bathrooms must meet certain sanitary requirements.

Any person who is sick with a disease dangerous to public health, may be quarantined until danger from contagion is past.

No person shall spit upon the floor or any part of any public building, or railroad, or street car, or any other public conveyance.

Fumigation is required at the close of every case of communicable disease; it is required of railroad cars at intervals, and of all school houses at least once a year.

Public drinking cups or towels may not be used by railroads, schools, or hotels. Kansas was the first state to make this regulation.

Inspectors.— The State Board of Health sends out Inspectors to look into matters of sanitation all over the State, and they frequently close hotels, stores, barber shops and other public places until the requirements for public health are met.

Progress.— Since so many of the people do not understand the necessity for care in regard to health, and others are careless, or lazy, or indifferent, it is easy to see that much yet remains to be accomplished. However, conditions are steadily improving with increased knowledge. In India, where no attempt is made to check disease, the average length of life is only twenty-five years, while in countries where the people live a sanitary life it is nearly double that.

A general knowledge among the people, of the causes of disease, is enabling them to protect themselves against it. Nothing will accomplish so much toward the elimination of disease, as the wide dissemination of knowledge, and an awakened and alert public conscience. Increased scientific knowledge has done much to lessen the ravages of such diseases as malaria, yellow fever, and smallpox. It was discovered that malaria is caused by the bite of a mosquito, and this enabled the people, by protecting themselves from this insect, to carry on the world's work in places that were formerly uninhabitable because of

the prevalence of malaria. Smallpox, it is generally believed, may be prevented by vaccination. Diphtheria has been found to be a germ disease which may be checked by the injection of an antitoxin. These are but instances of the wonderful progress of science.

Organized efforts are being made to fight tuberculosis, which causes more than one-tenth of all the deaths in the United States. The Kansas legislature of 1911 appropriated $50,000 for the establishment of a State sanatorium for tuberculosis patients.

A great deal of attention is being given to the matter of providing public parks in cities, so the people who work and live in close and crowded buildings may have a place to go where they can enjoy fresh air, and grass, and flowers. Public playgrounds for the children, and better houses for the people will do much to promote health.

Another change for the better is the gradual awakening of the people to the dangers of the patent medicine habit.

More and better laws are being steadily worked out regulating the conditions under which children may be employed, hours that men and women may be compelled to work, and the sanitary conditions in the places where they are employed. All this to the end that we may reach the normal condition of life, which is health and efficiency.

QUESTIONS

1. Discuss the value of health. Does community life make it easier or more difficult to preserve health? Explain. What are some of the conditions necessary to health?

2. Discuss danger in country wells. City wells. How can a well be constructed so as to keep out surface impurities? What is the source of your public water supply? Has there been any sickness in your community traceable to the drinking water?

3. What does personal cleanliness have to do with health? Relation between community cleanliness and public health? Show how an individual may injure the health of his community. Secure information concerning the relation of flies to disease.

4. What is meant by "adulterated" food? Give examples. Why does the question of pure food need more attention today than it did a hundred years ago?

5. Discuss the need of fresh air. Discuss ventilation in the home. Is the ventilation in your school room good? Can you do anything to improve it? When your school room is poorly ventilated can you study as well as in the fresh air? Is it real economy for an employer to keep his workers in poorly ventilated shops? Why?

6. Tell something of the cost of disease. Give all the reasons you can why a community should protect the health of its people. Explain how communities may affect each other in matters of health. Why should the National Government do anything to protect health?

7. Tell something of the State Board of Health. What is its purpose? What local health officers are there? Who is the health officer of your community? How did he get his position? Give some of the sanitary measures of Kansas telling why each is necessary.

8. What is sanitation? What has been the effect of public sanitation on length of life? Is it an extravagance or an economy for governments to maintain health departments and officials? Why? If you live in a city, tell of the work of the street cleaning department. How is the garbage disposed of?

9. Are there any unsanitary conditions in your community? Are any health laws being violated?

10. What is "The Great White Plague"? What is being done to check it?

11. Give ways in which conditions affecting health are being improved.

12. How often must school houses be fumigated? Discuss good methods of fumigating.

13. Name as many as possible of the sanitary precautions that should be observed by schools.

14. Who is Dr. Crumbine? Read and discuss the quotation from him.

FOR SUPPLEMENTARY STUDY.

Secure pamphlets from the State Board of Health.
Secure pamphlets from the National Government.
Dunn, The Community and the Citizen, 54–65.
Ritchie, Primer of Sanitation.

Health is a state of physical, mental, and moral equilibrium, a normal functionating of body, mind, and soul. It is the state when work is a pleasure, when the world looks good and beautiful, and the battle of life seems worth while. Health is the antithesis of disease, degeneracy, and crime.—S. J. CRUMBINE.

CHAPTER V

EDUCATION

The School.— The school is an extension of the family. The education of the children is too great an undertaking to be carried on in each home, so the children are placed under the care of teachers who have parental authority during school hours. By means of their system of schools the people seek to transmit to the next generation their knowledge and their ideals, and they set aside a continually increasing portion of their wealth for this great purpose.

Growth of the School System.— The school system of America has had a steady and rapid growth, but from the beginning progress has been more marked in the North than in the South.

In the North. The New England colonists, who were eager for freedom and wise enough to see the necessity for education, established Harvard College in 1636, only sixteen years after the landing of the Pilgrims, and the following year they provided that in every town of fifty householders there should be an elementary school, and in every town of one hundred householders, a grammar school. Much the same plan was followed by other northern colonies.

In the South. Education in the South was a slow process because the people lived on large plantations. This made the settlements so scattered that the establishment of schools was difficult. For many years it was the custom there to employ private teachers, and later, if possible, to send the children to England for further

education. This, of course, could be done only by the wealthier people and the children of the poorer classes were left without education.

Today. In none of the colonies were all of the children educated, but after the adoption of the Constitution, the principle of education grew with the principle of liberty, until it became the policy of every state to furnish an elementary education, free of charge, to every child within its bounds. As will be seen, this and much more is being done today.

The Nation and Education.— The Constitution says nothing about education, and the matter is left almost entirely to the states, but the National Government has not been wholly inactive in educational affairs. It provided that when states were admitted, section number 16 of each township should be reserved for school purposes, and since 1848 two sections, 16 and 36, have been reserved. These lands are held by the states for the use of the schools. When they are sold, the proceeds are invested and the interest accruing creates a state school fund which is distributed among the schools, annually.

A National Bureau of Education has been established, which collects and publishes information on educational matters, and in this way, influences to a considerable degree, educational movements throughout the country. The Government also maintains two great training schools, the Military Academy at West Point, and the Naval Academy at Annapolis. It supports schools for the Indians, elementary schools for the city of Washington, and has established schools in our island possessions.

The State and Education.— The State passes laws arranging a general educational system under which each locality administers its schools. State law determines such matters as:

The unit of school organization,
Election and powers of school officers,
How text-books shall be furnished,
A minimum list of subjects that shall be taught,
The limit of the school tax that may be levied,
Minimum length of school term,
Qualifications of teachers.

The Unit of School Organization.— This means the chief local authority in school matters. In some states the unit is the district, in others the township, and in others the county. In Kansas the unit is the district, governed by a school board which in rural districts and third class cities consists of three members, each elected for a term of three years. In larger cities the number of members depends upon the number of wards. The board has much power; it employs teachers, locates and erects buildings, makes rules for the guidance of teachers and pupils, looks after the buildings, and purchases supplies.

School Supervision.— In most states each county has an official known as the County Superintendent who has supervision over the work of the common schools. The normal institutes, the granting of certificates, the distribution of the school fund apportioned to the county, and the boundaries of districts, are some of the matters in charge of this officer.

The State Superintendent of Public Instruction supervises the work of the County Superintendents. Each city usually has a superintendent of its own.

Common Schools.— The common schools of any state are of first importance because they furnish the foundation of the education of all the people, and all of the education of a great majority of them. The common schools consist of the rural schools and the grades of the city schools.

City Schools.— In cities the schools can be well organized because they are close together and can be carefully supervised, thus securing unity of work. The large number of children makes it possible to grade them thoroughly, and each teacher has only one or two grades. This gives ample time for recitations. The greater wealth of a city makes it possible to pay more for buildings, equipment, and teachers.

Defects of Rural Schools.— In rural districts the schools are often poorly organized. Pupils of all ages and grades are in the same room, and usually the number of classes is so large that only a few minutes can be given to each recitation. In many cases the district cannot afford an experienced teacher and the building and equipment are poor. The schools are often so small as to be lacking in interest and life. A large number of pupils drop out before they have completed the grades and nearly all of them leave school at too early an age. The rural school has not kept step with the general progress of the times. One of the most vital questions before the people today is that of improvement in the educational opportunities of country boys and girls.

Consolidation.— Wherever practicable, the defects of rural schools are being remedied in a large degree by consolidation. This means the uniting of several districts into one, in order that, with a greater number of pupils and increased valuation, a graded school may be established. Under this plan pupils living long distances from school are conveyed in wagons furnished for that purpose. The larger valuation makes it possible to have longer terms, good buildings and equipment, more experienced teachers, and a more varied course of study. Such schools can teach such subjects as music, drawing, manual training, domestic science, and agriculture, most of which must

be left out of the one-teacher school because of the lack of time. The greater number of pupils adds interest to both work and play. Every rural community should study its schools and its geographical conditions carefully to see whether consolidation would be practicable.

Improvement of Rural Schools.— In a large number of districts the area is too great and the population too widely scattered to admit of consolidation. Schools in such districts must receive special attention. The people must be more fully aroused to the need of improving them, for many of the defects of the country schools are due to public indifference. A number of things have already been done in Kansas. The time has gone by when a country district may have a term of less than seven months, and provision has been made for high school training of all teachers. Conditions will be greatly improved when Kansas has a fairer and more equal distribution of taxation for school purposes.

The new schoolhouses that are being built are both more beautiful and more comfortable than the ones they are replacing. The windows and seats are so arranged that the light comes from the left side and the back, or better still from above. These buildings are not heated by stoves, but by furnaces or by heating and ventilating systems that provide an equal distribution of heat, and a constant supply of fresh air. There is sufficient equipment for good, thorough work inside, and for plenty of vigorous play outside.

But it is not necessary to wait for the building of the new schoolhouse. Much can be done to improve the old one, and a great deal of the improvement can be the work of the boys and girls themselves.

A simple work bench and a few tools can be the means of many conveniences, and a well-kept yard in which a

few trees are planted should not be beyond achievement by the pupils of any rural school.

The High School.— The grammar school provided for by the early law of Massachusetts Bay Colony was for the purpose of fitting young men who expected to become ministers, to enter Harvard College. Later in colonial times, the academy took the place of the grammar school. It was patronized exclusively by those who expected to become ministers, doctors, or lawyers, and since Greek and Latin were considered necessary to these professions they were the most important subjects taught in the academy. Most of such preparatory schools were private and charged tuition fees of those who attended.

More and more, young men who did not wish to enter these professions, desired an education beyond the common schools, so there came to be a demand for a school in which Greek and Latin were not the most important subjects.

Out of this demand grew what came to be called an English High School. All of the grammar schools, academies, and high schools were for boys only, but about 1825 high schools began to be established for girls. The high schools were free, being supported at public expense. They spread rapidly over the country and took the place of the academies. But the chief purpose was still to prepare students for college and they were attended only by the wealthy, or by those who intended to enter the professions.

During the last twenty years, there has been a great change. High schools have spread with wonderful rapidity, until nearly every town and city has its free high school, and pupils from the homes of all classes are found in them. The high school of today not only prepares students for college, but it also serves the very

large majority who do not go to college, by training them to teach in the common schools, by furnishing them a business education, by teaching them cooking, sewing, manual training, and agriculture. The high schools are beginning to meet the practical needs of the people and are developing rapidly along this line. They are increasing in number, they are offering more and better training, and they are attended by an ever-growing number of young people who are availing themselves of the opportunity to get, free of tuition, and at no great distance from home, a good practical education.

State Institutions.— Many states provide universities for still higher education. These schools give instruction, not only in such subjects as the sciences, literature, higher mathematics, history, and ancient and modern languages, but they also offer special training in engineering, law, medicine, music, pharmacy, and other professions.

Normal schools are maintained in nearly all of the states for the training of teachers.

Agricultural colleges have been established in some of the states, providing especially for the training of young men and women for home and country life.

Kansas has an institution of each class, a university at Lawrence, an agricultural college at Manhattan, and a normal school at Emporia with branches at Hays and Pittsburg.

Other Classes of Schools.— Besides the state schools, there are numerous colleges supported by churches or private funds, and others that are self supporting; there are many private and parochial schools; there are industrial, technical, and trade schools; business colleges, schools for the blind, and for the deaf and dumb. All of these, and yet others, are means of educating the people.

The Cost of Education.— The public schools of the United States cost an immense amount of money. The annual expenditure is about $300,000,000, three-fourths of which is raised by local taxation. The fact that the people levy this tax themselves and pay it out of their own pockets shows how much the welfare of their schools means to them.

Why the Community Educates Its Citizens.— There are two chief reasons for the education of the people; one is for the pleasure and profit of the individual, and the other is for the public welfare.

Value to the Individual. — There is a growing desire among all people of all classes to be educated, for they recognize that an education will better their condition. It makes life bigger and broader and better. It gives the mind something to think about, it awakens ideas, and inspires ambition.

Then, too, one who is educated is better equipped to earn his way in the world; his labor is more effective and profitable. Muscles without intelligence bring a low price. This has always been true, but with the rapid invention of machinery to do the heavy work there is coming to be less and less use for muscles alone, and more and more need for the trained mind.

Value to the Community. — The reason that the public is willing to pay its hard earned money for the education of its youth is that it makes them better citizens. The country pays nearly a third of a billion of dollars every year for education, but if it gets in return the services of well trained minds for doing the world's work, and for solving its problems, the money has been well spent. Only an educated people can be a free people. In a democracy the safety of the nation depends upon the intelligence of its citizens, and a system of education that

reaches all of the people is the greatest protection of self-government.

The policy of educating the children for the public welfare is so thoroughly established, that by means of compulsory education laws, children are usually kept in school even against their own or their parents' wishes. To this extent they are regarded as public property. They must be educated for the good of the community.

Need of Practical Education.— If a man is to be a physician, he must be educated in medicine; if a lawyer, he must learn the law; if a teacher, a druggist, an engineer, a bookkeeper, he must take a course of instruction that will prepare him for his work. This has long been recognized, but it is only beginning to be realized that if it is a good thing to train a part of the people for their work, it is a far better thing to train all of them. The farmer, the gardener, the stockman, the dairyman, the blacksmith, the machinist, should each have an education fitted to his particular needs. The girl who is to be a milliner, a stenographer, a teacher, a nurse, or a business woman must receive a special training. Then certainly the girl who is to be a home maker should be educated for her work, for it is the most difficult, the most complex, the most far-reaching in its results of anything that she can undertake.

What is Being Done.— This idea of the value of practical education is growing rapidly. A number of the states, including our own, have agricultural colleges which are doing a great work; but in order to bring such important work as cooking, sewing, agriculture, and manual training within reach of a larger number of the boys and girls, these subjects have been added to the course of many high schools, and they are beginning to find their way into the common schools. Agriculture, especially,

is taught in most of the rural schools of Kansas. Educational work is being adjusted to meet more perfectly the needs of the people, and the future holds forth the hope of a nation of efficient citizens.

Greater Use of School Property.— A great deal of money is invested in school grounds, buildings, and equipment, and most of this property is used but part of the time. On the other hand, with all the schools that have been established, there are still many people without an education. Among these are people from foreign countries, those who failed to get an education in their youth, and young people who are compelled to work instead of being in school. Many of these classes desire an education, and though night-schools have long been furnished for this purpose in the large cities, it is only in recent years that they are being established in smaller places and considered as a part of the public school system.

Another means of utilizing school property, that is being tried in some places, is the use of the buildings as social centers. This means that the buildings are opened of evenings, and clean, wholesome amusements furnished for those who come. This tends to keep the young people off the streets and away from questionable places of amusement.

There is a lack of social life in many rural communities and it is believed that the use of the schoolhouse as a social center would be of great benefit to both young and old. It would be not only a source of pleasure, but of profit. People in all other callings have found it necessary to organize for mutual advantage and to protect their own particular interests. Farmers who organize and work together find that it brings them many business opportunities and improved methods.

These are but of a few of the ways in which the people are planning to increase the value and the importance of the system of education.

Read Article VI of the State Constitution, page 166.

QUESTIONS

1. What is the relation between the school and the family? Tell something of the work of education in the different colonies. In what section did it receive the most attention? Was an education furnished free to all children in those days?

2. What has the National Government done in the matter of education?

3. How much authority do the states have over education? Give some state powers. What is the relation of the state to the different localities regarding education? What does the state constitution say about education?

4. What is the unit of school organization in Kansas? What units exist in other states? What is the source of authority in a district? Give the number of members, length of term, powers, and duties of your board.

5. Name the different school supervisors, tell how each is chosen, and the length of his term of office.

6. What is meant by the common schools? Give some advantages of the city schools. The rural schools. What is meant by consolidation? Are there any consolidated districts in your part of the state? Are they a success? If you live in the country, is consolidation practicable for your district? Why? Name some improvements that have been made in rural schools. Can any improvement be made in your school? Can you help?

7. Compare the grammar school of the Massachusetts Bay Colony with the high schools of today in purpose, subjects taught, and attendance. Is there a high school in or near your community? How is it supported? What courses does it offer?

8. Name the state educational institutions. Locate them. Tell something of the work of each. Name other classes of schools. What is a parochial school? Are there any parochial schools in your community?

9. Discuss the cost of the system of education. How much did your school cost last year? How much would this be for each pupil enrolled?

10. Why should the people be educated? Discuss the advantage to the community. Why is it more necessary today to be educated than it was a hundred years ago? Give the provisions of our Truancy Law.

11. What is meant by practical education? Why needed? Tell something of its development. What education of this kind is being furnished in your community?

12. For what purposes in addition to the regular work is school property sometimes used? Is it used in any of these ways in your community?

Next in importance to freedom and justice is popular education, without which neither justice nor freedom can be permanently maintained.—GARFIELD.

CHAPTER VI

THE CRIMINAL AND INCAPABLE

THE CRIMINAL

Punishment in Early Times.— In early times, punishment by parents, teachers, and government was much more severe than it is today. The favorite maxim of parents was, "Spare the rod and spoil the child." One of the chief qualifications of teachers was that they be able to whip unruly pupils. The government punished violators of the law by such torture as the whipping post, the clipping of ears, the branding iron, the stocks, and the pillory, and made long lists of offenses punishable by death. During colonial times imprisonment was very little used as a means of punishment, but had come into quite general use by the time our national history began. The early prisons were dreadful places, usually dark, filthy, disease-laden cellars where the prisoners were thrown together, regardless of their ages, or the nature of their crimes.

Effect of Early Methods.— Formerly the idea in punishment was that of revenge; to "get even" with the criminal for what he had done. It was supposed that great severity would create so much fear of punishment that crime would be lessened, but it began to be realized that crime was increased rather than diminished by such methods, and consequently there has been a great change in the public attitude toward these matters.

Punishment Today.— There are three methods of punishment now in use in the United States; fine, imprisonment, and death. The death penalty is inflicted

in a large majority of the states, but not in Kansas. Imprisonment, which is the most common form of punishment, is much more humane in its methods than in former times. Punishment is now administered, not for the purpose of revenge, but for the sake of the public welfare. An attempt is made to adapt the punishment to the crime by affixing slight punishments to small offenses, and greater punishments to serious crimes, but while this method satisfies the principle of justice, it has had no appreciable effect in decreasing the violation of law.

Treatment of Adult Criminals.— Criminals are not imprisoned merely to protect society, but there is a disposition to regard the welfare of the prisoners also; to cure them of the disease of criminality if possible. To that end there is a general tendency to protect their health, to train them in useful trades, to teach them, and to shorten their terms for good behavior. It is to be hoped that experience will prove these methods successful.

Kansas has a State Penitentiary at Lansing.

Treatment of Juvenile Criminals.— The changed attitude of the people is nowhere so apparent as in the treatment of the youthful law-breakers. Great harm is done through the association of young prisoners with hardened criminals. For this reason we now have reformatories and industrial schools where an education and a training in useful trades is furnished. Kansas has a Reformatory for Young Men at Hutchinson, a Boys' Industrial School at Topeka, and a Girls' Industrial School at Beloit.

Young offenders are now usually tried in juvenile courts, created for this especial purpose. A Kansas law says that there "is created and established in each county of the state, a court to be known as the 'juvenile court,' whose jurisdiction shall pertain to the care of dependent, neglected and delinquent children. The probate judge

in each county shall be the judge of the juvenile court in his county." The juvenile court system is doing a great service by dealing with young offenders according to their ages and offenses, and giving them an opportunity to mend their ways.

Prevention of Crime.—Crime costs the United States hundreds of millions of dollars every year, to say nothing of the misery and suffering that accompany it. One person in every hundred belongs to the criminal class. This is a terrible burden on both the guilty and the innocent. It could not be removed by fear of punishment, nor the principle of justice, but in recent years, the people have been awakening to the idea that the way to prevent crime is to remove its causes. It is being realized that crime is largely the result of wrong training and evil surroundings; of poverty, of crowded tenements, of ill health, of habits of disobedience, of extravagant living, of ignorance, of drink, of bad company. These and many other conditions have a part in the making of criminals. Reform comes too late to do the greatest good when it comes in the prison. This view of the question is arousing much interest in the means of improving conditions through better wages, more pleasant and healthful homes, good music, books, and pictures, wholesome amusements, and an education that will train for earning a living and caring for a home.

Prohibition.—Because intoxicating liquors are believed to be responsible for much of the poverty and crime in existence, their sale and manufacture have been prohibited in nearly a dozen states, including our own. In addition to this, about two-thirds of the states have local option which gives cities and counties the right to settle this question for themselves. Through this method local prohibition exists over at least one-half of the area of the United States.

Cigarette Law.—Because of the evil effects of tobacco on the young, and especially of tobacco in the form of cigarettes, the following law has been enacted in Kansas:

"*Sale of Cigarettes Prohibited.*— It shall be unlawful for any person, company or corporation to sell or give away any cigarettes or cigarette papers, or to have any cigarettes or cigarette papers in or about any store or other place for free distribution or sale.

"*Minor Not Use Cigarettes or Tobacco.*— Every minor person who shall smoke or use cigarettes, cigars or tobacco in any form on any public road, street, alley, park or other lands used for public purposes, or in any public place of business, shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine of not more than ten dollars; and every person who shall furnish cigarettes, cigars or tobacco in any form to such minor person, or who shall permit such minor person to frequent any premise owned, held or managed by him, for the purpose of indulging in the use of cigarettes, cigars or tobacco in any form, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars."

THE INCAPABLE

Classes Requiring Charity.— There are certain persons in every community who are unable to care for themselves, and must be supported by private charity or at public expense. They are of two classes; the poor, and the mentally or physically incapable.

Care of the Poor.— The greatest part of this is done by local government; that is, by the county and the city. Nearly every county has its poor farm and every large city its poorhouse. When necessary, people are sent to

these places for entire support, but often the needy are given small sums of money to be spent in their own homes. The latter method has the advantage of being less humiliating to the recipient, and generally more economical, but it has the disadvantage of tempting shiftless people who could support themselves, to ask for assistance.

Dependent children are the most helpless class of all, and their care is usually assumed by private institutions where they are gathered and kept until suitable homes can be found for them among the people.

Organized Charity.— Until recently all charity giving was haphazard and unorganized. Both public and private help was given without knowledge of whether it was really needed, and while it did much good, it also did much harm by permitting the lazy to live on undeserved charity. To prevent this, the work of charity has been quite fully organized in many cities. By this means the facts are learned about every applicant for aid, impostors are exposed, and work is found for those who are able and willing to work.

Defective Classes.—A century ago paupers, defectives, and criminals were usually huddled together and given the same treatment. Now separate provision is made for each class.

Perhaps no class of persons is so deserving of help as the poor who are sick or injured. Many hospitals are maintained for them at public expense.

There are institutions for the deaf and dumb, the blind, the insane, the feeble-minded, and the epileptic. It would be too expensive for each locality to provide an institution for each of these classes, so it is done by the state instead. The deaf and dumb, and the blind, receive instruction which not only brings pleasure into their lives,

but enables them to do some kind of useful work, and to become partially or wholly self-supporting.

The insane were formerly regarded as criminals, but today they are considered as having a disease and are given medical treatment and often restored to health.

A number of states have established asylums for feeble-minded children and a few have homes for epileptics. Kansas has one of each of these institutions.

Read article VII of the State Constitution, page 167.

TABLE OF CHARITABLE INSTITUTIONS OF KANSAS:

State Hospital for the Insane, Topeka.
State Hospital for the Insane, Osawatomie.
State Hospital for Epileptics, Parsons.
State Home for Feeble-minded, Winfield.
School for the Deaf, Olathe.
School for the Blind, Kansas City
State Orphans' Home, Atchison.
Boys' Industrial School, Topeka.
Girls' Industrial School, Beloit

QUESTIONS

1. Was punishment in former times more or less severe than today? Describe colonial methods of punishment. What was the purpose of punishment? Was crime lessened?

2. What are the methods of punishment today? Compare the prisons of today with those of our early National history. What is capital punishment? Is it used in Kansas? Has the purpose of punishment changed since colonial times? Explain. Tell what you can of prison methods today. What is a juvenile court? What provision is made for juvenile courts in Kansas? What is the purpose of these courts?

3. What are some of the causes of crime? What is the general idea today regarding the prevention of crime? What are some of the things that are being done?

4. Discuss prohibition. Give the provisions of the Cigarette Law. Is it enforced in your community? Whose duty is it to enforce it?

5. Name all the institutions for punishment that you can.

6. Name the two classes of people requiring charity. Give different methods of caring for the poor. What means for this purpose are provided by your community? Are there any institutions in your community for the care of dependent children? Why is organization of charity necessary?

7. What is meant by "the defective classes"? What is done for these people? How were they treated a century ago? Name and locate all the institutions for the care of these people that you can. Are there any charity organizations in your community? If so tell something of their work.

8. What does the great detective, Burns, say produces the criminal? What does Henderson say should be developed in those who receive charity?

For Supplementary Study.

Henderson, Social Spirit in America.
James and Sanford, Government in State and Nation, 79–88.
Dunn, The Community and the Citizen, 153–161.
Forman, Advanced Civics, Chapters XLIX, L.
Warner, American Charities.

There is no such thing as a born crook. There are young criminals, but that is due to environment. Environment has everything to do with the making of a criminal. The child is born honest; the crookedness comes later.—William J. Burns.

All rational charity tends to sincere fraternity, to development of self-reliance and self-support.
—Henderson.

CHAPTER VII

PROTECTION OF PERSON AND PROPERTY

The Courts.— One of the functions of government is to protect the persons and property of its citizens. As we have seen, many laws have been made for this purpose. If laws were all that were necessary, government would be a simple matter, but people do not always agree as to the exact meaning of the laws, nor are all people willing to obey them, so it is necessary for a government to establish a system of courts for the purpose of administering justice. The following are the principal classes of courts in our state:

Justice Courts presided over by the justices of the peace in each township may try cases of misdemeanor, and civil cases involving small amounts.

City Courts established in the cities may try those who have violated city laws.

Probate Courts presided over by the probate judges of the several counties have charge of the estates of deceased persons, minors, and insane persons.

Juvenile Courts, also presided over by the probate judges, protect neglected children under sixteen years of age, and punish them for violations of law. (Page 37.)

District Courts, of which there is one in every county of the State, are presided over by judges, each of whom has charge of a "district" usually comprising several counties. District courts try both civil and criminal cases, including appeals from the lower courts. Sessions of this court are held in each county, at the county-seat.

The Supreme Court, consisting of the chief justice and six associate justices, stands at the head of our State system of courts. Its work consists mostly of deciding cases appealed from the district courts of the State.

Cases.— A question that is carried into the courts for settlement is called a *case*. Cases are of two kinds, *civil* and *criminal*.

Criminal Cases.— A crime is an act committed, usually against an individual, that affects not only the individual but the public as well. Robbery, arson, and murder are examples of crime. An act may be vicious or wrong but it is not a crime unless it is named by law as a punishable offense. Crimes may be classified into felonies and misdemeanors. A *felony* is an act punishable by death or a penitentiary sentence. A *misdemeanor* is a less serious offense, such as disorderly conduct or the stealing of property worth less than twenty dollars. It is punishable by a jail sentence, or a fine, or both.

Civil Cases.— Every case that is not a criminal case is called a civil case. One man owes another and fails to pay the debt; a man refuses to perform his part of a contract; there is a dispute over the title to a piece of land; a man and his employer disagree concerning the price of work done; all of these acts relate to the law governing the relations between individuals. It is the individual who is chiefly concerned; the public is but little injured. Such matters when brought into court are called *civil cases*.

Plaintiff and Defendant.— The one who brings suit against another before a court is called the *plaintiff;* the one against whom the suit is brought is known as the *defendant*. In a criminal case the plaintiff is the State.

PROCEDURE IN CRIMINAL CASES

Arrest.— If a person is suspected of having committed a crime, a formal *complaint* under oath must be made before a justice of the peace, whereupon a *warrant* will be issued for his arrest. Or if the person is caught in the act, or under very suspicious circumstances, arrest may be made by an officer without waiting to get a warrant.

Preliminary Examination.— If the offense is a misdemeanor the accused may be tried at once before a justice of the peace and the State or the defendant may demand a jury trial; but if the offense is a felony a *preliminary examination* is held by the justice and if he finds that a crime has been committed, and that there are reasonable grounds for believing that the accused is guilty, he binds him over to the district court. This means that the accused will be tried in the district court. The justice then decides on the amount of bail.

Bail.— After the preliminary examination the accused may be imprisoned to await his trial, or, if he can secure bondsmen, he may be released on bail. This means that one or more persons sign a bond to forfeit the amount of money named therein if the accused does not appear for trial. The amount of bond is left to the discretion of the justice but the law provides that it must be reasonable.

The Beginning of the Trial.— The trial of the accused is begun by reading the charge against him. He then pleads "guilty" or "not guilty." If he pleads "guilty" the judge pronounces what his punishment shall be. If his answer is "not guilty" the next step is the selection of a jury to determine his guilt or innocence.

The Jury.— Every year the township trustees and the mayor of each city that is not a part of a township, select for jury service one person possessing certain qualifica-

tions prescribed by law, for each fifty inhabitants in their respective townships and cities. These names they send to the county clerk, who puts them into the "jury-box."

At least thirty days before the opening of a term of court, the sheriff and two justices of the peace, in the presence of the county clerk, open the jury-box and draw from it as many names as have been ordered by the judge of the court. The sheriff then serves a *summons* on each of these persons requiring him to be present at the opening of the term of court.

When a jury is needed, twelve of these men are selected by lot. Each is questioned by the lawyers and for such cause as an opinion already formed regarding the guilt of the accused, or a prejudice for or against him, a juror may be dismissed. A certain number of jurors may also be dismissed by each side without giving any reason. The act of dismissal is called *challenging* a juror. When twelve men satisfactory to both sides have been selected the trial proceeds.

Subpoena.— A subpoena is an order served on a witness commanding him to be present at court at a certain time to testify. The subpoena is served on the witness by the sheriff, and unless he obeys he may be punished for contempt of court

The Process of Trial.— After the witnesses have been examined and cross-examined and the evidence is all in, the judge instructs the jury as to the law that applies to the case, the lawyers make their arguments, and the jury retires from the court to the jury room to decide what facts have been proved by the evidence.

The Verdict.— The decision reached by the jury is called the *verdict.* Almost everywhere the decision of a jury must be unanimous. This is provided as a safeguard for the accused. If a jury cannot agree, it is called a

"hung" jury and is discharged by the judge. It is legally considered that no trial has taken place and another trial is ordered.

Sentence.— If the jury brings in a verdict of "not guilty" the accused is at once set free, but if the verdict is "guilty" the judge pronounces *sentence*, that is, he declares what the punishment shall be.

Appeal.— If the defendant is not satisfied with his trial he may appeal his case, which means that he may ask for another trial in a higher court.

Rights of a Person Accused of Crime.— All of the trial proceedings are conducted on the presumption that the defendant is innocent, and the State must prove beyond a reasonable doubt that he is guilty. An accused person is guaranteed certain rights. Among them are:

His trial must be held as soon as possible, in open court, before a jury of his fellow-citizens.

He cannot be held for trial unless a written charge has been filed against him.

He cannot be compelled to testify against himself.

If he cannot afford to employ a lawyer, one must be appointed by the judge to defend him.

He is permitted to challenge twice as many jurors as is the State.

If a single juror believes him innocent he cannot be convicted.

While these provisions serve to protect innocent persons from undeserved punishment, they also make conviction so difficult as to permit many guilty persons to escape conviction.

PROCEDURE IN CIVIL CASES

The First Step.— In a civil suit the first step is taken by the plaintiff in a paper called a "petition" or a "bill

of particulars" in which he sets forth his grievance against the defendant. The defendant then files an "answer" stating his side of the case. The plaintiff then files a "reply" to the "answer." The petition, answer and reply are called the "pleadings" in the case.

For instance, A brings suit against B by filing with the clerk of the district court a petition stating that A holds B's note for $400 which is past due and still unpaid. B files an answer in which he states that the goods for which he gave the note were not as represented and therefore the debt is not binding. A then files a reply denying that the goods were misrepresented.

The Trial.— The trial is conducted in a manner very similar to the trial of a criminal case.

The Jury.— Civil cases are often tried before the judge only, but a jury trial may be had under certain conditions.

The Verdict.— In civil cases the verdict is usually given in such general terms as "for the plaintiff" or "for the defendant," and in cases in which damages are awarded the jury decides the amount. In the case of A and B the verdict might be, "We find for the plaintiff in the sum of $400." This would mean that B must pay the note.

Appeals.— In most civil cases either party may appeal the case to a higher court.

Judgment.— The word "judgment" means the decision of the court. It might be said in speaking of the above case that "A was given judgment for $400."

Execution.— B might pay the amount of the judgment and the costs of the suit at once and the case would be ended, but if he does not pay it an *execution* will be issued. This execution gives the sheriff authority to seize and sell a sufficient amount of B's property to satisfy the judgment.

The Jury System.— The jury is a long-established part of the judicial system, and possesses a number of advantages. Trial by jury gives publicity to court proceedings. The jurymen gain much practical knowledge from this experience in public affairs. The jury does not pass upon the law involved in a case but upon the facts,— it considers questions of right and wrong and so its decisions are based upon common sense rather than upon technicalities of law. On the other hand there are disadvantages. Many classes of men, especially professional men, are exempt from jury duty, and so many others shirk it that it is not always possible to get juries of people best fitted for this important service. In complicated civil cases the jury is often incompetent to render a just decision, and in criminal cases it often decides according to emotion or prejudice rather than according to sound judgment.

Going to Law.— To take a case through the courts is a costly process, the expense often amounting to many times the original sum involved. Justice is sometimes long delayed through postponement for trivial reasons. Cases are often decided on such technical grounds as to cause many to question the methods of administering justice. These are only a few of the reasons why people should make every effort to settle their difficulties out of court. They should, whenever possible, avoid going to law.

QUESTIONS

1. What is the purpose of a system of courts?

2. Name the different classes of courts in our State. Who presides over each? What kinds of cases does each try? Name the courts of your community.

3. What is a case? Kinds of cases? What is a criminal case? Define a felony; a misdemeanor. Give examples of each.

4. What is a civil case? Illustrate.

5. Define "plaintiff," and "defendant."

6. Name the steps in the trial of a criminal case.

7. What is a warrant? May an arrest ever be made without a warrant? Explain the "preliminary examination."

8. What is bail? Its purpose? Who decides the amount?

9. How is the trial begun? What is done if the accused pleads "guilty"? If he pleads "not guilty"?

10. How are names obtained for jury service? How is the list of jurors selected for each term of court? For each case? What is meant by "challenging" a juror?

11. What is a subpoena? Its purpose?

12. How does the jury learn the law that applies to the case? What does the jury decide?

13. What is a "verdict"? How many jurors are required to reach a decision? What is a "hung" jury? What is done when there is a "hung" jury?

14. What is the "sentence"? What is an "appeal"?

15. Name and explain the rights that are guaranteed every accused person.

16. What difference can you see between civil and criminal cases?

17. Explain fully the "pleadings" in a civil case. Is there always a jury in a civil case? Who decides the case when there is no jury?

18. Discuss the verdict in a civil case.

19. Explain "judgment" and "execution," and illustrate each.

20. Discuss the jury system. Why is it usually best for people to avoid going to law?

FOR SUPPLEMENTARY STUDY.

James and Sanford, Government in State and Nation, 70–78.
Smith, Training for Citizenship, 112–139.
Ashley, American Government, 92–101.
Train, The Prisoner at the Bar.
Hart, Actual Government, 151–166.

No man's property is safe, and no man's welfare is assured, where justice is denied to the poor, or where crime goes unpunished; no State can prosper where human rights are not respected.

—DAVID A. WELLS.

CHAPTER VIII

CONTRACTS

Business Law.— In a broad sense, the word business may be used to include all occupations in which people engage for a livelihood. With this meaning, practically every one is interested in business transactions and the laws governing them. The great body of laws that have necessarily been made to govern business are generally referred to as business law. However, one who is engaged in business may meet questions involving almost any topic of law, and it is not to be supposed that everyone can be sufficiently familiar with legal matters as to enable him to solve all his difficulties for himself. He may often require the expert advice of a lawyer. But all business has to do largely with property and contracts, and the elementary principles of these everyone can and should know; not to enable him to extricate himself from difficulties that he may get into, but to prevent him from getting into difficulties.

Property.— Property includes all things capable of individual ownership. The law regards it as either *real* or *personal*.

Real Property, or real estate, consists of land and things attached to land, as buildings, forests, streams, lakes, minerals, fences, and unharvested crops.

Personal Property.— All property other than real estate is personal property. It includes goods, wares, merchandise, patents, trademarks, copyrights, stocks and bonds, notes, mortgages, live stock, harvested crops, household goods, and many other things.

A Contract.— A contract is an agreement between two or more competent parties, based upon a sufficient consideration, to do, or not to do, some lawful, possible thing.

Importance of Contracts.—Practically all business, from the simplest to the most complex, is transacted by means of contracts. Contracts are made by everyone, and since ignorance of the law excuses no one, it is of the utmost importance that some of the general principles governing contracts shall be known to all persons. Lack of this simple and easily acquired knowledge is a great handicap in any kind of business.

Form of Contracts.— Contracts are written or oral, express or implied. An express contract is one, the terms of which are agreed upon by the contracting parties. An implied contract is one which is understood from the acts and conduct of the parties, as where one performs service for another on request. When a man enters a street car there is an implied contract to the effect that the car shall carry him a certain distance and he shall pay his fare. When a man is employed to plow the garden without any agreement as to price, the contract is implied, it being understood that he will be paid a reasonable sum for his work. If, on the other hand, a price for the plowing has been agreed upon beforehand, there would be an express contract. When a man buys a farm he is given a deed to show his title to the land and the right to its possession. The deed is a written contract between the buyer and the seller of the farm.

Classes of Contracts.— Contracts may be further classified as valid, void and voidable.

A Valid Contract, is one that contains all the essentials, or it is one that can be enforced.

A Void Contract, is one without any legal effect. It is one that cannot be enforced. An agreement to do any-

thing prohibited by law is a void contract. Such an agreement would be one to suppress the evidence in a criminal case, or a contract to commit a crime.

A Voidable Contract is one that may, or may not, be enforced. It is one that is capable of being avoided by one or both of the parties if so desired.

John, who is under twenty-one years of age, agrees to purchase a horse from Smith, an adult. This is a voidable contract for John, because, being under age, he may take the horse or not as he wishes. Smith, however, could not avoid the contract.

Essentials of a Contract.— By reading again the definition of a contract it will be seen that there are four essential points.

1. Competent Parties.
2. Agreement.
3. Consideration.
4. Legal Subject Matter.

COMPETENT PARTIES

Who May Contract.— Everyone has the full power of contract except the following classes of persons:

1. Minors.
2. Insane persons, drunken persons, and all others mentally incapable.
3. Under the laws of Kansas, one who is sentenced to the penitentiary for life.

Minors.— Minors are males under twenty-one and females under eighteen years of age. The law presumes that they have not yet had sufficient experience to enable them to deal safely, so it says in effect that those who deal with minors must do so at their own peril. If the minor is satisfied with his bargain and wishes to enforce the con-

tract he may do so, but if he is dissatisfied the courts will sustain him in repudiating his contract.

A minor entered into a contract to work on a farm for seven months, but at the end of four months he left the farmer's service. The court enforced the minor's claim of services, but refused the farmer damages for violation of contract.

Contracts for Necessaries.— A contract for necessaries can be enforced against a minor. If this were not so, a minor might suffer for food, clothing and shelter because no one would be willing to contract with him for these supplies.

Necessaries.— Necessaries include board, food, lodging, medicine, and education, such as are suitable to his station in life and to his means. These things, however, must be necessary to the minor at the time they are supplied. For instance, one who supplies food, clothing or lodging to a minor who is not in need of them, or who is provided with these things by his parent or guardian, cannot bind the minor for payment.

Avoidance of Contracts.— If a contract has been executed, that is, carried into effect, and the minor wishes to avoid it, he must disaffirm it within a reasonable time after reaching his majority, and must restore to the other party all the money or other property received by him under the terms of the contract and remaining within his control after reaching his majority. The minor may not disaffirm his contract if he has represented himself to be of age, or if he has engaged in business as an adult, giving the other party good reason to believe him capable of contracting.

The law is intended to protect the minor from those who are older and more experienced than himself, but not to permit him to defraud others. If a minor represents that he is of age, and afterwards avoids his contract on the ground of being a minor, he may be held liable for fraud.

Insane or Drunken Persons.— The contract of a lunatic who has never been adjudged insane, or of a drunken person, is voidable at his option, if at the time the contract was made he was incapable of fully understanding his act, and if his condition was known to the one who dealt with him, but if he wishes to avoid the contract he must return that which he received. When a contract is made with one who is weak-minded, a lunatic, or a drunkard, or whose mind has been inpaired by sickness or old age, and such contract shows an unfair advantage taken by the other party, it is usually set aside by the courts.

Contracts of Married Women.— Formerly a married woman was incapable of making any binding contracts, but conditions have greatly changed, and are still changing in this regard. Kansas is among the most liberal states in the union in its laws concerning the rights of women. The property which any woman of this state may own at the time of her marriage, or which may come to her after marriage, is her sole and separate property, and is not subject to her husband, nor liable for his debts. She may buy and sell, sue and be sued, or carry on any trade or business. Regarding property in which she has joint title with her husband, she can contract in the same manner as the husband, but if a woman has no property of her own, and the joint property of husband and wife is in the husband's name, the contract rights of the woman are limited.

An unmarried woman has, of course, the same contract rights as an unmarried man.

Read Article XV, Section 6 of the State Constitution, page 174.

AGREEMENT

Definition.—When the minds of the contracting parties meet upon an identical purpose there is an agreement.

This means that they must agree to exactly the same thing, and in exactly the same sense.

Offer.— An agreement results from an offer on one side and an acceptance on the other. As a rule, if parties are together when an offer is made, it must be accepted before they separate. If an offer is made for a definite time, it may be accepted within this time, provided it is not withdrawn.

Option.— In order to be sure of time in which to investigate an offer, it is customary to pay the one who makes the offer a small sum for keeping it good for a certain length of time. This is called "securing an option." The one who gives an option cannot withdraw it within the stated time.

Acceptance.— The terms of acceptance must be exactly the same as those of the offer. If any condition is added it will in reality be a new offer, which may or may not be accepted by the original proposer.

If Jones offers to sell 100 bushels of corn to be delivered at a certain time, place, or price, and Smith accepts the offer except as to the time of delivery, there is no agreement.

Agreement by Mail and Telegraph.— When an offer is made by mail, the offer continues open until the letter is received, and for a reasonable time thereafter unless revoked. Acceptance by mail becomes binding when a letter is mailed, but a letter revoking an offer does not become effective until received. For this reason the withdrawal of an offer should be made by the quickest means possible.

Duress.— One who accepts an offer must do it freely and without compulsion. If he accepts it through fear of personal injury or unlawful imprisonment, he does it under *duress* and the contract is not binding on him.

CONSIDERATION

Necessity of Consideration.— The thing given by each party to the other causing them to enter into the contract is called the consideration.

A bought a cow from B for $50. For A the consideration was the cow, and for B the consideration was the $50.

Contracts to give something for nothing are not binding, a consideration is necessary. But whether the thing given is equal in value to the thing received does not ordinarily concern the law.

Good Consideration.— The following things are held to be good consideration:

1. Mutual promises.
2. Acts and forbearances.
3. Natural love and affection.

Mutual Promises can form the consideration in such a contract as one between a number of merchants agreeing to close their places of business at a certain hour.

Acts and Forbearances.— Because people may contract to act, or refrain from acting, such contracts as the following would stand:

A man and his son make a contract to the effect that if the son would refrain from the use of tobacco in any form for a period of five years, the father would pay him $1,000.

Love and Affection.— Natural love and affection, relationship and duty, frequently form the consideration for contracts.

Valuable Consideration.— When a consideration consists of money, or something that can be converted into money, it is said to be a "valuable consideration." A good consideration is sufficient as between the parties con-

tracting, but in order to enforce a contract as against adverse interests of creditors, the consideration must be valuable.

Johnson, who owed Wilson, conveyed his property to his wife without receiving any valuable consideration. Wilson brought suit to have the conveyance set aside. The court declared the conveyance void because it transferred without valuable consideration property that could otherwise have been reached by the creditors.

SUBJECT MATTER

Subject Matter.— By this is meant the things to be done or left undone. It is the object of making the contract.

Certainty.— A contract must be certain and definite in its provisions, or its subject matter.

A man contracts with his father that for the use of the father's farm, he will educate his younger brother and set him up in whatever business his brother shall select.

Such a contract would be so vague, and so uncertain in its terms,— there would be so much doubt about the amount of money to be expended for the younger brother, that it could not be enforced. The courts cannot supply what the parties have left out. A contract should state its provisions with exactness.

Illegal Contracts.— Contracts that violate the law, or are contrary to public policy are void.

The law prohibits any person from engaging in the practice of medicine without first obtaining a license to show that he is qualified for the work. An unlicensed physician cannot compel anyone to pay him for his services.

A teacher cannot recover her salary for teaching in the public schools if she has no certificate.

Contracts in Restraint of Trade are prohibited.

A retail dry goods merchant in Kansas City sells out his business and agrees not to engage in the retail dry goods business in Kansas, Oklahoma or Colorado during the next ten years. This would probably be considered an unreasonable restraint of trade. An agreement not to engage in the dry goods business in Kansas City would have been reasonable, and could be enforced.

Wagering or gambling is a violation of sound morals, and debts contracted in this way are held void by the courts of nearly every state in the Union. The law will not enforce the payment of a bet.

Usury.— The maximum rate of interest that may be charged is fixed by law in most states, and when a contract requires payment exceeding the rate allowed by law it is said to be *usurious*. In Kansas the legal rate is 6 per cent; that is, if in any particular case no rate of interest is stated, the legal rate of 6 per cent would be allowed. No contract may be made in this state calling for more than 10 per cent interest. The penalty for usury is a forfeiture of twice the amount of usurious interest. If a man were to loan money and his contract called for twelve per cent, his punishment would be the return of 4 per cent.

Written Contracts.— When a contract has been reduced to writing, it takes the place of all preliminary understandings and agreements. The verbal agreements cease to exist.

Gray rented a farm from Stone under a written contract, or lease. Later he sued for damages because a barn was not built. The lease said nothing about building a barn, but Gray was depending upon a verbal agreement, which he claimed had been made before the contract was drawn. The verbal contract was worthless.

Termination of Contracts.— The life of a contract may be terminated or ended in several ways:

Performance by both parties of the terms agreed upon in the contract brings it to an end.

Impossibility of Performance.— Performance will be excused only when it is absolutely impossible.

An agreement to sing at a concert is excused if the singer is prevented by sickness from performing according to contract.

When a school is closed because of a contagious disease in the community, it is not absolutely necessary, but only expedient, that the work cease, so the contract between the teacher and the school is not affected. The teacher's salary goes on the same as when the school is in session.

Cancellation.— By mutual agreement both parties may cancel a contract.

Fraud and Misrepresentation.— To carry out any cunning or deception in order to cheat another is fraud.

A man of defective eyesight signed two papers, one of which was read to him. He was told that the second paper was the same as the first, but later it proved to be a promissory note. Because the signature to the note was secured by fraud, payment was excused.

It was only because of the condition of this man's eyes that his contract was set aside. One who can read must suffer the consequences if he fails to learn the contents of any paper that he signs. It is a safe rule to sign no paper without reading it.

False representation of facts made to mislead the opposite party is sufficient ground for setting the contract aside.

A seller of a horse represents him to be sound and healthy, when, known to the seller and unknown to the buyer, he has the glanders. The buyer acts upon the representation, buys the horse, and afterwards discovers that it is diseased. The buyer may either return the horse and recover the purchase money, or keep the horse and recover damages.

The law presumes that everyone will exercise all possible care in looking into conditions before making contracts,

and where both parties are in a position to learn the truth or falsity of statements, and where each party depends and acts upon his own judgment, a false statement of a fact will not be sufficient ground for setting aside the contract.

A man sells another a tract of land representing it to be all good, smooth, tillable land, while, as a matter of fact, a third of it is rough, rocky, and cut up by ravines. The purchaser, however, goes upon the land before the contract is signed and is capable of observing its condition for himself; the contract could not be set aside on account of the false statement made by the seller.

Alteration of Contracts.— If one of the parties to a written contract makes any material change or alteration in it, without the other's knowledge or consent, the contract is rendered void. The one who made the change cannot even recover what was due him by the original contract.

A gives B his note for one thousand dollars, payable six months after date, with interest at six per cent per annum from date, and afterwards B changes the rate of interest from six to eight per cent. This would be a sufficient alteration to avoid the note.

Statute of Limitations.— To avoid the annoyance and injustice arising from suits brought upon old claims, all the states have a law limiting the time during which suits may be brought. Such a law or statute is called "The Statute of Limitations." In Kansas the limit for open accounts is three years, and for written contracts is five years. The time begins to run from the first day that action could have been brought for collection, or if there have been payments since the obligation became due, the time begins at the last payment. If an account runs three years, or a contract five years without any payment, it is said to be outlawed, and payment cannot be

collected; but if a payment, however small, is made before the time limit has expired, it renews the life of the obligation which will then have the three or five years to run; the debt may also be revived by an express promise of the debtor, in writing, to pay it.

The Making of Contracts.— Human memory is not infallible, and sometimes it is biased by selfish interests. For this reason, certain important classes of contracts are required to be written; all others may be oral. The practice of making oral contracts gives rise to a very large portion of the suits at law, for, as is readily seen, there are sometimes misunderstandings in regard to the terms, and it is often difficult and sometimes impossible to tell just what they were. So, although only a few classes of contracts must be written, a great many disputes, hard feelings, and expensive law-suits might be avoided if all contracts of any consequence were put into writing.

The Form of Written Contracts.— In most states the law merely requires that some memorandum of the contract shall be made in writing and signed by the parties. No special form is necessary. The law is intended to protect all who transact business, and since many persons have no knowledge of drawing up legal instruments, the requirements of a strict form would work much hardship. It is only necessary that the essential terms of the agreement be given. A contract should usually contain:

1. The date of making.
2. The date for carrying the contract into effect.
3. The names of all parties.
4. An accurate description of the property concerned or the thing to be done.
5. The consideration.
6. The signatures of both parties.

CONVEYANCE OF REAL ESTATE

Method of Conveyance.— All contracts concerning the sale of any interest in land must be in writing. Real estate may be transferred only by means of a deed, which is a special form of contract. However, this final transfer is often preceded by a contract of sale.

Contract of Sale.— A contract of sale of real estate is an agreement between parties that they will, at a certain time, complete the necessary steps for the transfer of the land. The seller agrees in this contract of sale to sell a certain described tract of land for a certain sum, to be paid at a certain time, at which time he agrees to deliver to the purchaser a warranty deed. The purchaser agrees that he will, on a certain date, pay a certain sum for the property.

A and B make an agreement by which A is to buy B's farm for $6,000. So they draw up a contract of sale in which it is stated that on the following tenth day of June, A will pay B $6,000 and receive from him a warranty deed to the property.

Deeds.— In the above transaction, on the tenth day of June, B transfers the title of the property to A by means of a deed, which is a legal instrument, giving the date, the names of the parties, the consideration, the conveyance of title, the description of the land, the warranty clause, the signatures, and the acknowledgment. The delivery of the deed to A conveys the title of the property to him. If B is a married man, his wife must sign the deed also. In Kansas, the husband and wife must join in the conveyance of real property. The seller of land is called the "grantor," and the purchaser the "grantee."

Consideration.— The consideration named in a deed is not necessarily the actual consideration. Sometimes it is desired that the real price be not made public and the

consideration is given in such terms as "One dollar and other valuable considerations."

Acknowledgment.— Acknowledgment is made by B going before a notary public or officer having an official seal, and declaring the deed to be his free and voluntary act. The officer then certifies this on the deed under his official seal.

Warranty Deeds.— There are two principal kinds of deeds,— warranty deeds and quitclaim deeds. A warranty deed is so called because it guarantees to the purchaser a good title, and that the seller will at any time defend the purchaser against eviction by any other claimant of the title.

Quitclaim Deeds.— This form of deed does not warrant the title, and if the title proves defective, the buyer cannot look to the grantor for compensation. The grantor has no further responsibility after giving a quitclaim deed, and the grantee takes it at his own risk.

Examination of Title.— While a warranty deed is much safer than a quitclaim deed, the purchaser should in all cases assure himself of the seller's title, for no seller can give a better title than he possesses. The usual method of examination is for the purchaser to demand of the seller an abstract of title, which should be examined by some competent person. An abstract does not make the title good or bad; it simply shows the title as it is, and a proper examination of it by a competent person discloses whether the title is good or bad. Too great care cannot be taken in such an important matter as the transfer of real estate.

Recording of Contracts and Deeds.— All states have a system of registering land titles. In every county of Kansas there is a Register of Deeds, whose duty it is to copy all instruments concerning the transfer of property that are brought to him for that purpose. These records

are open to the inspection of the public, who may use them for information at any time.

An unrecorded contract or deed is binding as between the parties making it, and all persons having actual notice thereof; but if no notice of the transaction is given in the public records, and a third party buys the same property without notice, his title as an innocent purchaser would be good.

If in the same transaction we have studied, A did not have his contract of sale recorded, and B should, during the sixty days, sell to C, who had no actual notice or knowledge of said contract, the title of C as an innocent purchaser would be good, and all that would be left for A would be to bring suit against B for breach of contract. The same condition would be true with regard to the deed. Therefore, for self-protection, all deeds and contracts should be promptly recorded, as notice that the transaction has taken place.

MORTGAGES

Mortgage.— A mortgage is a pledge of property to secure the payment of a debt or obligation.

C needs $1,000, so he mortgages his farm to D for that amount, which means that in return for the $1,000, C gives D his note for the amount, secured by a mortgage on his farm. Under the terms of this mortgage C may retain the use of the farm for the specified time, say five years, and if at the end of that time C repays the $1,000, the mortgage is cancelled; but if he does not repay it, the farm is subject to foreclosure, which means that it may be sold, and after the mortgage debt is paid, the balance belongs to C.

The one who makes a mortgage is the "mortgagor,"

and the one to whom it is made is the "mortgagee." Mortgages are of two general classes, real estate mortgages, and chattel mortgages.

Real Estate Mortgages.— Real estate mortgages are those which are given on land. They must be in writing, and should be recorded.

Chattel Mortgages.— A mortgage on personal property is called a chattel mortgage. Such a mortgage would be one on live stock, furniture, implements, books, jewelry, etc. A chattel mortgage is usually given as security for a loan or note, and as such is often called chattel security, or collateral security. When the owner of the article turns it over to the mortgagee to hold until the money shall be repaid, the article is said to be pawned. When the mortgagee retains possession of the mortgaged chattels, the mortgage should be in writing and recorded.

C gave D a mortgage on a team of horses, but D did not have this mortgage recorded. Later, C sold the team to E. If E were an innocent purchaser, that is, if he knew nothing of D's mortgage, he would have good title to the team. But D could bring suit against C for damages, and C would be further liable criminally for selling mortgaged property.

Foreclosure.— It is usually specified that interest on the mortgage loan shall be paid at certain times, and on the failure of the mortgagor to pay the interest when due, or on his failure to pay all taxes assessed against the property, or on his failure to pay the full amount of the loan when it becomes due, the mortgage may be foreclosed. This means that after being advertised for sale a certain length of time, the property will be sold at auction to the highest bidder. If anything is left after paying off the mortgage it goes to the mortgagor. But a certain length of time is allowed during which the mortgagor may retain possession of the property, and if, during this

time, he can repay the purchaser both the amount of the mortgage and the costs of foreclosure, he, by this means, regains title to his property. This period of redemption, as it is called, is eighteen months in Kansas.

Release of Mortgage.— When a mortgage is paid the records should be made to show that fact. This is sometimes done by the mortgagee writing a releasement on the margin of the record, or it is done by a release deed, which is acknowledged and recorded in the same manner as any other deed.

LANDLORD AND TENANT

Lease.— A landlord is the owner of real estate, and the tenant is the one to whom the real estate is rented. The relation between landlord and tenant is one of contract. This contract is called a lease, and may be either written or oral. If it is written it may be for any length of time, but if oral, it will not be valid for more than one year. If written, it should be signed by both parties, each party retaining a copy.

Rights and Duties of Landlord and Tenant.— Unless the terms of the lease make special provisions concerning each of these matters, the rights and duties of landlord and tenant are as follows:

Rent.— The amount of rent is usually agreed upon in advance. When nothing is said about the place of payment, it is sufficient if offered, or tendered, on the premises. For failure to pay the rent the tenant may be evicted, but this must usually be preceded by a notice to quit.

Notice to Quit.— There need not be any special form for the notice to quit, but it must be written, and should specify the particular day to quit. Thirty days' notice must in most cases be given by either landlord or tenant, and in case of tenants occupying farms, the notice must

fix the time so as to end on the first day of March. If the notice to quit is given because of failure to pay rent, the time is much shorter, usually ten days when payments are due monthly.

Repair of Premises.— Without a special agreement in the lease, the advantages in this matter nearly all belong to the landlord. The tenant cannot compel any repairs to be made, and must even continue to pay rent in case the house is burned down or made uninhabitable by fire or floods, without any power to compel the landlord to rebuild. The tenant takes the house for better or for worse, and no matter how dilapidated it may be, he can claim nothing from the landlord.

Repair by Tenant.— The tenant is not bound to make repairs, and if he does make them without any agreement to that effect, he cannot compel the landlord to pay for them, nor can he take the amount of them out of the rent. Any improvements made by the tenant that may be considered as becoming a part of the real estate, may not be removed by the tenant when he goes. Such improvements would be trees, or plants, buildings or sheds fixed to the ground, windows, and locks. Anything that the tenant has added for the purpose of his business, such as gates, pumps, stables or sheds on blocks, or counters in a store, that can be removed without injury to the rented property, he may remove.

The Right of the Tenant to Sub-let.— Unless the tenant has a lease for a term of more than two years, he may not sub-let his interest, or any part of it, without the written consent of the landlord.

Taxes and Insurance are paid by the landlord.

Quiet Enjoyment of the premises is a right of the tenant so long as he keeps his part of the agreement whether so stated in the lease or not.

Value of a Written Lease.— A contract between landlord and tenant is of such importance that all leases should be written, in order that there may be no danger of disagreement in regard to any of the terms, and in order that provision may be made for unexpected conditions that may arise.

Moral Obligations of Landlord and Tenant.— No lease can make a good tenant out of one who is careless and shiftless. If he is negligent and destructive in his use of the rented property, he is not only wasting his own opportunity and proving unprofitable to his landlord, but he is helping to create in the minds of all landlords a distrust of tenants, and a disinclination to improve conditions for their benefit.

On the other hand, no lease can make a liberal landlord out of one who is petty and mean. If his sole idea is to squeeze every possible cent out of his tenants, and to expend the least possible amount in repairs, the tenants will try to even things up by taking every advantage of him. Many landlords complain that it is difficult to find desirable, responsible tenants. This might be at least partly explained by taking a look at some of the houses and premises provided for tenants. Like so many other relations in life, the relation of landlord and tenant depends largely upon the character of the persons themselves. It is a test of their citizenship, for no tenant who wastes and destroys and neglects rented property, nor no landlord who lives in ease and comfort on the income derived from ugly, crowded, unhealthful, dilapidated homes for the poor can be a desirable citizen.

WILLS

A Will is a writing whereby one provides for the distribution of his property to take effect after his death. It

should always be drawn by a competent lawyer. It requires at least two witnesses under the laws of Kansas.

A person may bequeath his property by will to anyone, subject only to the limitation that a married man or woman may not bequeath more than one-half of his or her property to another without the written consent of the husband or wife.

Descents and Distribution.— If a married person dies without a will, one-half of his or her property descends to the surviving wife or husband, and the other one-half descends to the children, jointly. If no wife or husband is living, then all descends to the children; if there are no children, then all goes to the wife or husband.

The property of an unmarried person goes to his or her father and mother, equally, or if they are both dead, then to the brothers and sisters.

PROMISSORY NOTES

A promissory note is a form of contract. It is a written promise of one person to pay another a certain sum of money on demand or at a specified date. A negotiable note is one that can be bought and sold. It is payable when due to whoever holds it. The negotiable note is a great convenience in the transaction of business, but trouble sometimes arises through its use because many people do not realize that if they give a negotiable note, and it is sold to an innocent purchaser, the deal is just as fully closed as though they had given a check or paid the cash. For instance, a man sells a cream separator to a farmer on thirty days trial and takes a note in payment. He then goes to town and sells the note to a bank. The farmer finds the separator unsatisfactory, but at the end of the thirty days he must pay the note because

the bank was an innocent purchaser. The bank knew nothing of the guarantee under which the separator was sold and had paid the salesman for the note, so there was no remedy. The farmer must pay the bank. The only way to avoid such a situation would be to write into the note all the conditions and agreements. This would make it non-negotiable and there could be no "innocent purchaser."

QUESTIONS

1. What is business law? Why should everyone be familiar with its fundamental principles?

2. What is property? Name and define classes of property.

3. What is a contract? Discuss the importance of contracts. Name the four forms of contracts and explain and illustrate each. What is a void contract? A voidable contract? A valid contract? What are the essentials of a contract?

4. What does the word competent mean? Who is competent to contract?

5. What is a minor? Why does a minor not have full contract rights? What contracts may be enforced against a minor? Why? Under what conditions may a minor avoid a contract that he has made?

6. A, a minor, agrees to sell a horse to B. Suppose that before delivering the horse A refuses to be bound by the contract. Suppose the horse has been delivered and the money paid when A insists on disaffirming. Suppose that B wishes to disaffirm the contract. What are the rights of A and B in each case?

7. Discuss the contracts of insane or drunken persons.

8. Discuss agreement as an essential of a contract. Explain offer, acceptance, acceptance by mail and telegraph, option, duress.

9. A offers by letter to sell his house to B for $2,000. B replies "I accept, if you will repair the house." Is there a contract?

10. B offers C his horse for $150 and gives C twenty-four hours to accept. After an hour B withdraws this offer and another hour later C accepts. Can C hold B to his agreement?

If C had paid B $10 to keep the offer open, could he have enforced the contract? What would such a payment be called?

11. B writes C "I will sell you my house for $1500. The next day B writes "I withdraw the offer." The following day, but before he receives B's second letter, C mails a letter of acceptance. Is the contract complete? Why?

12. Discuss consideration as an essential of a contract.

13. B promises to repair C's watch free of charge, but afterward refuses to do so. Could C enforce such a contract?

14. Explain and illustrate classes of good consideration. What is meant by valuable consideration? Must the consideration equal the thing promised in value? If a man transfers his property to his brother without valuable consideration in order to avoid the payment of a debt, has the creditor any remedy?

15. What is the subject matter of a contract? Discuss definiteness in a contract. What are illegal contracts? Illustrate. Can one collect a bet through the courts? Why? What is usury? What is the legal rate of interest in Kansas? How is usury punished in this state? Explain the difference between "legal rate" and "contract rate."

16. Which takes precedence, an oral or a written contract?

17. Name the ways in which a contract may be ended and discuss each. Explain and illustrate misrepresentation of facts in making a contract.

18. What is the result if either party alters the terms of the contract without the consent of the other?

19. What is the "Statute of Limitations?" What is its purpose? Is it the same in all states? What is the time limit in Kansas? If A owes B $40 for goods purchased at B's store and pays nothing on it for three years, what is the result? Suppose he pays $10 at the end of the two years? Suppose that after three years he gives his written promise to pay it?

20. Discuss the value of having contracts in writing.

21. Is there any special form for a contract? Why? What points should a contract contain?

22. What does the expression "conveyance of real estate" mean? May real estate be conveyed by an oral contract? What is a real estate contract called? Who is the grantor? Who is the grantee?

23. What is a contract of sale? What is the purpose of it?

24. What is a deed? What does it contain? Do people write out their own deeds? Must the real price be given in the deed? What is meant by the acknowledgment? Name the two principal kinds of deed and explain their difference.

25. What should be done by the purchaser of real estate to assure himself of a good title? Does an abstract make a title good? Explain.

26. What is meant by recording a contract or deed? Where and by whom is this done? Why is it done? What might be the result if a deed were not put on record?

27. What is a mortgage? What are the parties to a mortgage called? What two classes of mortgages? Explain each.

28. Explain foreclosure, redemption, and release as pertaining to mortgages.

29. What do the words "landlord" and "tenant" mean? What is the contract between them called? Must it be written? Explain.

30. Discuss the relation of landlord and tenant regarding rent, notice to quit, repair of premises, the right to sub-let, payment of taxes and insurance.

31. Discuss the moral obligations of landlord and tenant.

32. What is a will? Is there any limitation on the right to bequeath property? How does the law distribute the property of a married person who has died without making a will? An unmarried person?

33. What is a promissory note? What does the word "negotiable" mean? Explain how fraud may be practiced in the use of a note.

FOR SUPPLEMENTARY STUDY.

General Statutes of Kansas.
Huffcutt, Elements of Business Law.
Ellis Pub. Co., Practical Law.
Lyons, Commercial Law.
Gano, Commercial Law

"And sovereign law, the state's collected will,
O'er thrones and globes elate
Sits Empress, assisting good, repressing ill!"

—SELECTED.

CHAPTER IX

THE LAND

Westward Movement.— At the time of the adoption of the Constitution, most of the people of the United States lived along the Atlantic seaboard, but the settlements across the mountains rapidly increased. More and more territory was acquired toward the west. These great tracts of rich land were, from the beginning, a wonderful attraction to the people of the crowded nations of Europe, and every year has seen thousands of immigrants take part in the steady westward movement of settlement. The land is the source of the people's activity, the foundation of their wealth, and no doubt the desire to own homes will draw them westward so long as there is any available land.

The Public Land Policy.— In 1780 Congress laid down our public land policy, "that the land shall be disposed of for the common benefit of the United States." This was a pledge that the lands should not be held as a continuous public domain, and that the proceeds of the sales should be used to pay the public debt. It was made before the seven states that claimed territory to the westward had ceded their rights to the National Government. Of the 3,500,000 square miles within the present bounds of the continental United States, 2,825,000 square miles, or over four-fifths of it, have at some time been the property of the National Government. A large part of this is still undisposed of, but most of it lies in the western states and Alaska, and is chiefly desert, mountain and arid regions. Very little farm land is still owned by the Government.

Who Owns the Land?— The land of the whole country is in the hands of several classes of owners; the United States, the states, cities, corporations including railroads, and individuals.

Land Owned by the Nation.— The National Government is the greatest land owner in the country, both of unsold public land and of improved real estate. More than half of the city of Washington is national property. The United States owns military posts, arsenals, armories, and navy yards; lighthouses along the oceans, lakes, and rivers; and a large number of buildings for post-offices, custom houses and federal courts. The United States owns large areas of forest reserves such as Yellowstone Park, the Yosemite reservation, several reservations of big trees in California, and the Arkansas Hot Springs in the Ozark Mountains.

Land Owned by States.— A few states own forests. New York, for instance, has bought up land in the Adirondacks. Some states have purchased notable places for parks, such as Niagara Falls in New York, and Valley Forge in Pennsylvania. The states all hold very valuable real estate for public buildings, such as the capitols and state institutions.

Land Owned by Cities.— The cities stand next to the United States in the amount of real estate owned. They own the streets, so long as the land is used for this purpose; many cities own water-works which often include land outside of the city limits; most cities own parks, which are becoming more and more important and valuable every year; some seacoast cities own docks which bring in a good revenue; every city owns many such public buildings as schoolhouses, city halls, engine-houses, police stations, workhouses, hospitals, and libraries.

Land Owned by Corporations.— The railroads are great land owners. They own roadbeds and ground for stations, side-tracks, and city terminals. There are about 240,000 miles of railroad in the whole country and the railroad companies own an average of twelve acres to the mile.

Manufacturing establishments own a great deal of land, as also do mining corporations, ranching companies, logging and irrigation companies, and churches and schools.

Individual Ownership.— The Government has followed the plan of letting the people have land on easy terms until the principle of private ownership has become firmly established in this country. In Russia, much of the farm land is held in common by the villages, and in England, Germany, and other countries, much of the land is held in large estates by a few wealthy owners, and rented out to tenants.

Methods of Disposing of Government Land.— The Government has used various methods of disposing of the public lands. The soldiers at the close of the Revolution were granted about ten million acres, and those of the Mexican War about sixty million acres. At first the Nation sold large tracts of land to colonizing companies; then it sold small tracts on credit to individuals, but this led people to buy more than they could pay for, so a third method was tried, that of selling to all comers for cash at a minimum of $1.25 an acre. This plan tempted speculators to buy in such large quantities that it assisted in bringing on the Panic of 1837. Congress passed the Homestead Act in 1862, under which a quarter section of land was given to the head of any family, if he were not already the owner of more than 160 acres, after he had lived on it five years and had paid a small fee. A great deal of land has been granted to railroads which in

turn sell it to settlers in order to build up traffic for their roads. The distribution of the valuable land is now almost completed; little good farming land is left. The liberal land policy followed by the Government has had much to do with the rapid development of the country, by making it possible for thousands of poor people to obtain homes at a small cost.

The Outlook.— With the good farm land practically all taken, and our population rapidly increasing, it seems that the time is not far distant when there will not be enough land to supply the demand. This will mean that land will become so high in price that only the wealthy can own it. Then the poorer people will become tenants. This has long been the condition in many European countries, but it is not in harmony with the independent spirit of the American people. The principle of individual ownership of land has been, very largely, the foundation of progress among the whole people in wealth, education, and self-government. Therefore every effort must be made to prevent the growth of the tenant system in this country.

What is Being Done.— Several things are being done to make it possible for the American people to continue to be land owners. Among these are the following:

1. Great areas of desert land are being reclaimed by irrigation. Much of this soil is wonderfully fertile and when supplied with water will furnish thousands of people with valuable farms.

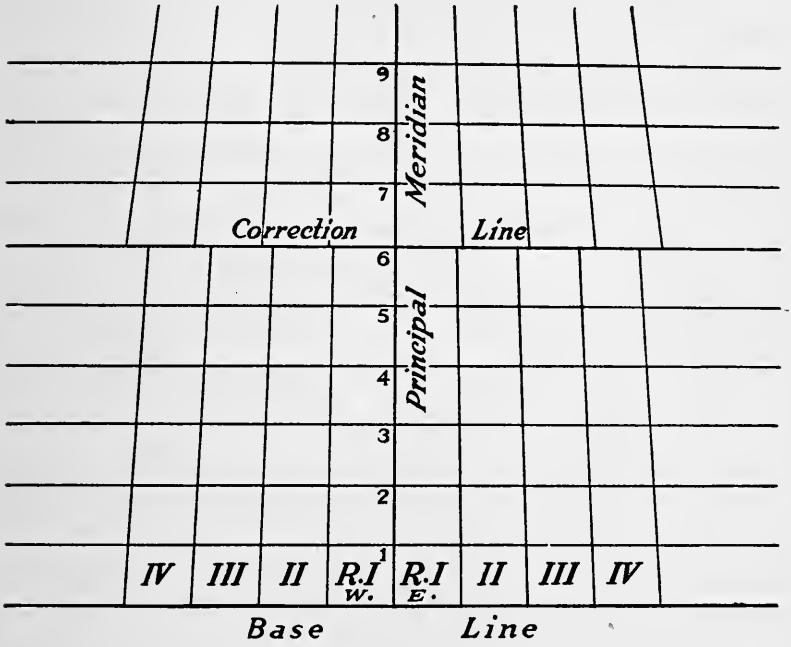
2. Individuals and corporations have used the Homestead Law and other public land acts to secure large tracts of land at low cost. The Government has realized the necessity for greater care in disposing of public lands and has discovered and checked many of these land-grabbing schemes.

3. Much of the land has been wastefully used and the soil exhausted, but a new era in farming is opening. Better methods are being used; the study of seeds and soils and crops is enabling the farmer to produce far more to the acre than was possible before. The National Department of Agriculture and the agricultural colleges of the country are carrying on a great educational work in this field. In our own State, and in some others, this work is also being done in the high schools and common schools. This great movement will tend to make a few acres produce as much as a large farm did in the past and the land will thus support more people.

The Work of Irrigation.— A large part of the land in the western states is valueless as farming land, because of the lack of rainfall. Much of such land has been reclaimed by irrigation, but this is so expensive as to make it a difficult undertaking for individuals. For this reason a national law was passed in 1902 providing for the irrigation of land by the United States government. Money obtained from the sale of public lands is being used to build dams which form great reservoirs to catch the spring floods from the mountains. The lands that are irrigated from these reservoirs are sold to settlers and the money is put into the fund to construct more reservoirs, so that the scheme is largely self-supporting. The construction of these dams, and the carrying of the water, perhaps hundreds of miles to the land to be irrigated, are wonderful feats of engineering and cost an immense amount of money. But it is believed that the great increase in the value of the land will be double the expenditures for irrigation.

Land Survey.— In the thirteen original states the land was surveyed a bit at a time as it became necessary, making very irregular tracts and resulting in many

boundary disputes. For this reason, a uniform system of survey was established when the settlement of the Ohio valley was begun and has been applied to all the rest of the land belonging to the United States.



Twenty-four principal meridians have been established, the first on the western boundary of Ohio and the last in Oregon. Between these, other meridians called range lines were drawn six miles apart. A parallel of latitude was then chosen and called a base line, and township lines were run six miles apart both north and south of this. The country is thus divided into congressional townships six miles square. These townships are numbered east

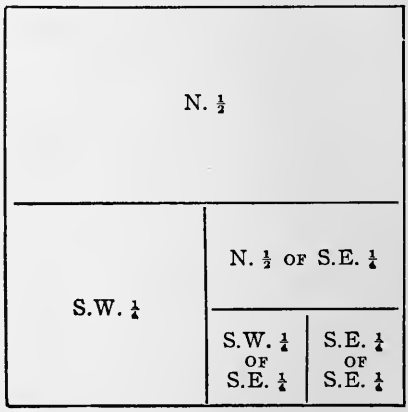
and west from a prime meridian, and north and south from the base line. The fact that meridians come closer together as they go farther north would make the townships grow smaller. To avoid this, new base lines are run at frequent intervals and are called correction lines.

Each township is divided into thirty-six sections, each one mile square, and containing 640 acres. Notice the

TOWNSHIP—SIX MILES SQUARE

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

SECTION—ONE MILE SQUARE



method of numbering. Each section is divided into halves, quarters, half-quarters, and quarter-quarters.

This system of survey makes it easy to locate any given piece of land, and the easy method of transfer makes the buying and selling of land a simple matter. In England the transfer of land is so expensive that few small tracts can be bought and sold.

Eminent Domain.— The property rights of the individual are very carefully guarded by the government, but it becomes the duty of the government to do what is best for the greatest number of people. If a road or a street is needed, that government which has authority over the matter, whether it be city, county, state or national may,

if necessary, take from individuals sufficient land to make the road or street. But the owners of the land must be paid a just amount for the property. *The right of government to take private land for public use is called the right of eminent domain.* Through this right, land may be secured for schoolhouses, for city parks, for railroad tracks and stations, for government buildings such as postoffices, for government reserves and for many other purposes.

Read Article XII, Section 4 of the State Constitution, page 171.

QUESTIONS

1. Give an account of the westward movement of settlement since the early colonial days. Does it still continue? Do you know of any movement toward the west at present?
2. What has been the public land policy of the United States? Has much of our land ever belonged to the National Government? Does the Nation still own any land? Does the Nation own any land in Kansas?
3. Discuss the ownership of land by states. Do you know of any land belonging to the state of Kansas?
4. Discuss cities as land owners. If you live in a city make a list of the land owned by the city.
5. Tell all you can of land owned by corporations. What corporations in your community own any land?
6. Discuss individual ownership of land and its importance. What objection can you see to the tenant system?
7. Discuss land in regard to supply and demand.
8. Give the three general ways in which the land supply is being increased. Discuss each.
9. Explain the Reclamation Act.
10. How was land surveyed in the thirteen colonies? What objection to this method? When did the present survey system begin?
11. Make a diagram and explain the survey lines. What are range lines? How far apart?
12. What is a base line? What are township lines? How far apart?

13. Draw diagram and show correction line.

14. How large is a township?

15. What is a section? How many sections in a township? Explain with the aid of a drawing, the divisions of a section.

16. Give a definition of "eminent domain." Do you know of any land that has been set aside for public use through this right? What does the State constitution say about it? What is the meaning of the quotation at the close of this chapter?

For Supplementary Study.

Forman, Advanced Civics, 63–71, 184–192.
Dunn, The Community and the Citizen, 43–53.
James and Sanford, Government in State and Nation, 319–336.
Ashley, American Government, 259–274.
Hart, Actual Government, 321–381.
Channing, Students' History of the United States, 219–227.
Overton Price, The Land We Live In.
Encyclopedia, Public Land, Homestead Act, Irrigation.
Brigham, Commercial Geography, Chapter XI.

The future development of the public land policy will probably be guided more directly by scientific study of the lands and their possibilities than has heretofore been the case, which leads to the certainty that the ultimate solution will be for the best interests of the public.—Morris Bien.

CHAPTER X

INDUSTRIAL DEVELOPMENT

The Corporation.— A corporation is a group of persons that are empowered by law to act as one person. In other words, a corporation is an artificial person, having in many ways, the same relation to the law as a natural person. It may sue and be sued in the courts, and, under certain restrictions, it may acquire property and borrow money. It may live forever, unless limited or destroyed by law, because the death of any of the persons forming it does not affect the corporation.

Classes of Corporations.— Corporations are of two general kinds, public and private. A public corporation is one organized for political purposes. The best example of the public corporation is the city. Counties and townships are corporations in the sense that they can acquire property, and can sue and be sued. A private corporation is one organized for the profit of the individuals. Railroads, banks, and factories are examples of private corporations.

The Private Corporation.— This form of organization is old, but only during the last half century has it become important. Its growth has come about through the industrial development of our country. Today, the control of such corporations constitutes one of the greatest problems of government.

Industries.— Industries are branches of occupation or business. The raising of different products, as cotton, corn, or sugar beets, the raising of cattle, hogs, or sheep is each an industry; cooking, sewing, gardening, shoeing

horses, and building houses are all industries; the manufacture of furniture, clothes, machinery, food, and hundreds of other things, are still other classes of industries. In looking over this partial list, it will be remembered that some classes of these industries, particularly the factories, employ much labor and capital. They may be called organized industry, and it is with them especially that we are interested in this chapter.

During the century and a quarter that has passed since the establishment of our National Government, there has been no line of progress more important than that of industry.

Early Industrial Conditions.— In colonial times each family, as far as possible, supplied its own needs; it spun and wove the cloth, made most of the garments, prepared nearly all of the food, and built much of the furniture. Whatever had to be produced outside of the home was made in small shops. The volume of business was not large because the people had few needs; they were plain and simple in their manner of dress, and in their homes; farming implements were few, and there was but little machinery of any kind. It was not necessary to have big factories to supply the people's needs. Those who were engaged in milling, shoe-making, weaving, or other trades, did the work themselves. The business world was made up of individuals, each with his own trade.

Much the same conditions prevailed among communities, as among individuals; there was little division of labor. So long as the means of travel were poor, there could be little exchange of commodities. This made progress comparatively slow, for if a community that was best adapted to manufacturing, had to use much of its time in trying to produce a sufficient supply of agricultural products on its rocky hills, there would not be

enough time and energy left to build up a great manufacturing center.

Industrial Conditions Today.— With the building of roads and canals, and especially with the building of the great network of railroads over the country, conditions were changed; each community was enabled to ship in whatever was needed, and thus was left free to use its energies in developing its own particular industries.

So many inventions and so many improvements in machinery have been made, that very few kinds of work are done now in the same way that they were done a hundred years ago. Our shoes, instead of being made in the shoemaker's shop, are made in great factories, employing hundreds and often thousands of people. The same thing is true of other industries. Much of our food is prepared in factories, our furniture, clothing, tools and implements are chiefly factory products, and as time passes more and more of the work of the people is being done by big business concerns organized for this purpose. These organizations are the private corporations that have multiplied with such marvelous rapidity during the last half-century.

The Reason for Corporations.— To build a factory and equip it with machinery, to organize a bank, or build a railroad, requires such an immense amount of money that it becomes necessary for a number of persons to combine their capital in order to accomplish it. The partnership was found not to be a satisfactory organization for the purpose, because (1) each partner is liable for the debts of the whole firm, and because (2) the death of one partner ends the partnership. Neither of these conditions is true of the corporation.

Organizing a Corporation.— If A, B, and C wish to build and equip a factory, they organize themselves into

a company, secure a charter, and sell their stock, which means that in order to raise the necessary capital they offer shares in their company for sale. These shares are purchased by the public as an investment, for if the factory succeeds, the stock-holders will receive on each share a per cent of the profits. By this means it is usual for a great many people to furnish the capital necessary to build factories, establish banks, operate mines, or carry out other large undertakings.

The "Blue Sky" Law.— The right of incorporation has given rise to much abuse through the selling of stock that was either worthless or fraudulent. For instance, companies have been formed to sell stock in mines that either did not exist or were without value, or to manufacture some article that was unprofitable, or "promoters" have sold stock and then failed to carry out the promised undertaking.

To prevent such things, the Kansas Legislature of 1911 passed a law requiring every investment company (except certain specified kinds) that wishes to do business in this state to file with the State Bank Commissioner a detailed statement of its plan of business. The Bank Commissioner makes a careful examination and if satisfied with the result he issues to such company or corporation a certificate permitting it to transact business in this state. No investment company may operate in Kansas without such permission. To keep its certificate in force, the company must file with the Bank Commissioner, twice a year, a statement of its financial condition.

This law protects the people of the state from the purchase of worthless stock, that is, stock that has no more money value than just so much "blue sky." It is probable that other states will follow the example set by Kansas.

The Trust.— A trust is a combination of corporations, or it might be called a corporation of corporations. The purpose of a trust is to do away with competition between a number of corporations engaged in the same business. For instance, half a dozen corporations are engaged in the sugar business, each one trying to buy material cheaper, and to sell sugar cheaper than the other five. To do away with this cutting of prices they form a trust. This is accomplished by the formation of a new corporation which purchases the stock of the competing corporations. In this way it becomes their owner, and controls the prices of their goods, and the amount of goods produced. This great combination of corporations is called a trust. Since this sugar trust has gained control of nearly all of the sugar industry, it is said to have a *monopoly*. It has done away with competition between the corporations and can fix the prices of sugar, which it does not always do justly.

The Trust Problem.— The greatest advantage claimed for the trust is that it reduces the cost of production; it uses only the best machinery and methods of work, it locates its plants so as to reduce freight expenses, it requires fewer employees, especially for office work, and for traveling salesmen. It cannot be denied that the trust can produce goods at the lowest possible figure.

On the other hand, by reducing the number of employees the trust throws a number of people out of work, it often sells shares far in excess of the value of its property, and it can drive the small competitor out of business. For instance, if another sugar factory is organized, the trust can send sugar into that community and sell it cheaper than the small factory can. If the small factory does not reduce its price it gets no trade; if it does sell as cheap as the trust does, it loses money and soon fails. In either case it is driven out of business. The trust, because of its

great wealth, can afford to sell sugar below cost until the factory is ruined, and then it can raise the price again.

Control of Corporations and Trusts.— Since nearly all corporation charters are obtained from the states, each state possesses the power to determine the privileges of any corporation doing business within the state. But many of the corporations and trusts are engaged in business in a number of states; this is interstate business, and comes under the authority of the National Government. The control of corporations and trusts is an important and complicated matter and one that is engaging much of the attention of the American people today. Some good has been accomplished through publicity of trust methods. In recent years a Bureau of Corporations has been established by the National Government, which has made many investigations of trusts. The Sherman Anti-Trust Law of 1890 says that "*all combinations in restraint of trade are illegal*," and under this authority suits have been brought against the beef trust, the paper trust, the Standard Oil Company, and several others, and some good has resulted, but the trusts are still with us, and much study and experiment will no doubt be required to find the best method of controlling them.

Read Article XII of the State Constitution, page 171.

LABOR

Labor Unions.— A century ago, when almost everyone was in business for himself, there were few employees; but with the growth of the factory system, there came to be a great number of hired workers. Naturally, these people met for the discussion of such matters as wages and hours of labor. Later they began to combine, those engaged in the same trade uniting in one association called

a trade union. These unions were not only for the purpose of raising wages and shortening hours of work, but for the advancement of all the interests of the members.

Attitude of the Public Toward the Labor Union.— The trade union was for many years regarded with considerable distrust, and a number of court decisions were handed down against combinations for the purpose of raising wages. But that time is past and today there is no question as to the right of workmen to combine.

Regulation of Labor.— The Constitution says nothing about labor, so its regulation is left to the states. The importance of the subject is made evident by the large amount of legislation concerning it.

Hours of Labor.— Eight hours constitute a working day for those in the service of the National Government, and in about half of the states, including Kansas, eight hours is the limit for public work. But it is in such places as factories, mines, and mills that the working hours bear heavily on the employees, for ten, twelve, and even fourteen hours of labor are often required. In very recent years much interest has been aroused in these conditions. The western states are taking the lead in limiting the hours of labor for men, especially in mining and similar industries. Until the last few years there were almost no limitations placed on the number of hours that women could be compelled to work, but the rapidly increasing number of women employed in industrial pursuits is bringing this matter before the public, and some legislation has been obtained. Quite a number of states have a ten-hour law for women and a few states, among them Arizona, Wisconsin, and California, have passed eight-hour laws. Missouri has a nine-hour law. Most of these states have exceptions for certain occupations.

Protection of Life.— Many of the states demand that all employers of labor shall protect the health and safety of employees by providing proper lighting and ventilation, and fire escapes, boilers and machinery that meet the requirements of state inspectors. The Bureau of Labor and Industry of Kansas sends out two factory inspectors who may require changes to be made in the machinery and sanitary conditions of the factories of the state, if they deem it necessary.

Fire Escapes.— In 1909 Kansas passed a law requiring that factories, churches, lodge halls, theatre buildings and other public buildings more than two stories high, and school buildings more than one story high, shall be provided with fire escapes. Certain numbers of exits with outward-swinging doors are also required.

Compensation for Injuries.— All of the states have long provided that employers engaged in those lines of business dangerous to the lives of their workmen are liable, under certain conditions, for injuries received by the workmen. Through technicalities, or on account of some negligence on the part of the workmen, employers have been able, in many cases, to escape the payment of these damages. On this account, Kansas and several other states have recently passed laws providing for the payment of damages to workmen for all accidents received in the discharge of their duty. These laws are known as Workmen's Compensation Acts.

Child Labor.—One of the most important features of the labor question has to do with the employment of children. There has been a good deal of legislation prohibiting child labor, but in big cities and other industrial centers thousands of children are at work instead of in school, and often for long hours, and in unhealthful surroundings, so that they become dwarfed in body, mind, and soul.

Some states have good laws regarding child labor, some have poor ones, and some have none at all. The southern states are especially careless in this matter. The Kansas Child Labor Law is probably the best in the United States. It provides as follows:

"*Employment of Children Under Fourteen.*— No child under fourteen years of age shall be at any time employed, permitted, or suffered to work in, or in connection with, any factory, workshop not owned or operated by the parent or parents of the said child, theater, or packing house, or operating elevators, or in or about any mine. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever during the hours in which the public school is in session in the district in which said child resides.

"*Employment of Children Under Sixteen.*— It shall be unlawful for children under sixteen years of age, who are employed in the several vocations mentioned in this act, or in the distribution or transmission of merchandise or messages, to be employed before seven o'clock A. M. or after six o'clock P. M., or more than eight hours in any one calendar day, or more than forty-eight hours in any one week. No person under sixteen years of age shall be employed at any occupation nor at any place dangerous or injurious to life, limb, health or morals.

"*Certificate of Age Required.*— All persons, firms or corporations employing children in any of the vocations mentioned in this act under sixteen years of age shall be required to first obtain a certificate of the age of such children.

"*Penalty.*— Any person, firm or corporation employing any person or child in violation of any provision of this act, or permitting or conniving at such violation, shall be

deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days."

Along with the Child Labor Law was passed the Truancy Law, which requires that all children shall, between their eighth and fifteenth birthdays, be in school during the entire term of their district. Any parent or guardian violating this law may be fined in a sum not exceeding one hundred dollars.

Labor Disputes.— The chief use of the labor union is in dealing with the employer. When the union decides to ask for a change in hours, or wages, its representatives meet the employers and discuss the matter. Whatever bargain is made binds every member of the union. As a rule, if no agreement can be reached, the members of the union go out on a *strike*; that is, they refuse to work under the old terms. If the employer refuses to furnish work to the union, we have a *lock-out*. In either case it brings inconvenience and loss to the public. For this reason, boards of arbitration for the settlement of troubles between employers and employees, have been established in about half of the states, but the plan has been only partially successful because the decisions of the board can not be enforced. Arbitration has not been made compulsory because of the danger of interfering with individual freedom.

Purpose of the Trust and the Labor Union.—The trust has been developed to prevent competition and its purpose is to produce wealth for the stock-holders. But the labor union has been formed to promote the interests of the great body of people who are employees. Its purpose is to secure more sanitary conditions, better homes,

and wages that will permit them to obtain an education and live in such a manner as to develop a higher standard of civilization.

The Age of Organization.— The trust and the labor union are not the only forms of organization that have developed with the passing years, for the workers in almost every line of human endeavor have united for the purpose of furthering their abilities and their interests. There are organizations of professional people, doctors, lawyers, teachers, dentists, pharmacists; organizations of those engaged in commercial callings, merchants, bankers, and contractors; and there is a national organization in nearly every line of manufacturing industry. Even the work of politics and of charity is organized. The trend of the times is toward more and more complete organization in every activity.

QUESTIONS

1. What is a corporation? In what ways is it like a person? Name the classes of corporations. What is the purpose of each? Give examples of each.

2. What are industries? Illustrate. Explain what is meant by organized industry. What are some of the industries of your community? Which of them employ much labor and capital?

3. Discuss the manner of life in colonial days. Name as many as possible of the kinds of business in which people were engaged. Were there many factories in colonial days? Explain.

4. Discuss relation between communities in colonial days. What effect did this have on industrial conditions? Describe industrial conditions today. What were the chief factors in bringing about the change? Explain why corporations have developed. What advantage has the corporation over the partnership as a form of organization?

5. Explain the manner of organizing a factory. Illustrate by considering your school a community and your class a number of persons wishing to establish a factory. Suppose your teacher to be the State Bank Commissioner and illustrate the working of the "Blue Sky" Law.

6. Suppose that several classes in your school organized factories for the same purpose as yours; what would lead all of you to form a trust? What advantage would it give you? How could you abuse your advantage? What is a trust? What is meant by the "trust problem?"

7. Discuss the control of corporations and trusts. What law was passed for this purpose?

8. What effect has the industrial development had on labor? Explain the beginning of the labor unions. What is their purpose? How did the public feel toward the labor union in earlier times? How does it feel today?

9. Is labor regulated by state or national authority? Does the State Constitution say anything about it?

10. Discuss the number of hours that people may be required to work. What responsibility does the employer have concerning the health of his employees? Concerning their safety? Illustrate.

11. What is the Workmen's Compensation Act? Discuss the fire escape law. What buildings in your community are equipped with fire escapes? Are there any others that should be?

12. Discuss the evils of child labor. How does Kansas rank among the states on the child labor law? What does the law provide regarding children under fourteen years of age? Under sixteen? What penalty is provided for violation of this law? Give provisions of the Truancy Law.

13. Discuss labor disputes? What are strikes? What are lockouts? Does a strike affect anyone besides employer and employees? Explain.

14. Discuss arbitration as a means of settling labor troubles.

15. Are there any labor unions in your community? Can you find out the purpose of such unions? Do all laborers belong to unions? Does the labor union present any problems of government?

For Supplementary Study.

Coman, Industrial Development of the United States.
Brigham, Commercial Geography, Chapters XII and XIII.
Reports from Bureau of Labor and Industry, Topeka, Kans.
James and Sanford, Government in State and Nation, 107–112.
Forman, Advanced Civics, 369–375, 360.
Ashley, American Government.
Seager, Introduction to Economics, Chapter XXII.

New times demand new measures and new men;
The world advances and in time outgrows
The laws that in our fathers' day were best;
And, doubtless, after us, some purer scheme
Will be shaped out by wiser men than we,
Made wiser by the steady growth of truth.

—James Russell Lowell.

CHAPTER XI

TRANSPORTATION

Early American Roads.— The earliest pathways were the buffalo and Indian trails made by centuries of use. With the coming of the white men the construction of roads began, a work requiring many years, for forests had to be cut, swamps crossed, and bridges made. In New England the first roads were along the hilltops, because the people farmed on the hills where the trees were more easily cleared away and fewer bridges were needed. The settlements were so scattered, the country so rough, and the task of road-building so great, that little was accomplished during colonial days and travel was very slow and tedious. It required six days to make the trip from New York to Boston.

Effect of Poor Roads on the Colonies.— It is well to remember the difficulties of travel in connection with the slow growth of the idea of union among the colonies. It is not surprising that each colony had a tendency to consider itself entirely separate from the others. Transportation of goods was difficult and expensive. The cost of hauling merchandise across the country in wagons was so great that it tended to make each locality try to supply all of its own needs instead of developing the particular industry to which it was best adapted.

Development of Means of Transportation.— At the close of the Revolution there was probably not a road in the whole country that was good after heavy rains; but at that time was begun the construction of pikes or turnpikes. These roads were covered with broken stone made

into a hard waterproof surface. They were constructed by private companies and the profit was earned by charging a toll of all who used the roads.

In 1807 Fulton's boat began the steam navigation of lakes and rivers. This method of transportation developed rapidly and is still much used for carrying freight.

The railroad, a new means of transportation, was introduced about 1830. Because of its great speed and convenience it crowded out many of the turnpikes and canals. The railroad has made it possible for such an immense country as the United States to be controlled by one government. The trip from New York to San Francisco can now be made in the same length of time that was once required to go from New York to Boston.

Within the last twenty-five years there has developed a new system of transportation, electric lines which are used both in the city and in the country. They are much used to connect cities and are constantly extending farther into the country where they pass through many little towns and communities that were without railroad advantages. This rapid communication is doing much to unite communities, and to bring all the people into closer touch with each other.

Importance of Country Roads.— No system of travel or transportation can ever take the place of the country roads. The food supply and the materials for manufacture must be brought from the farms, forests, and mines, and most of it must be hauled for some distance over the highways. If these highways, or public roads are poor, only small loads can be hauled and many more trips are necessary; the strain on vehicle and team are much greater, and consequently the expense of transportation is largely increased. In this way the people of any community with

poor roads must lose much of the profit of their products because of the greater cost of hauling the goods to market. Poor roads are expensive.

Local Management of Roads.— The United States has built one wagon road, the National, or Cumberland Road, begun in 1807 at Cumberland, Maryland, and extended during the following forty years nearly to St. Louis. This road was well laid out and well built, and was a great aid in the settlement of the West. It was later turned over to the control of the states through which it passed. With this exception the National Government has taken little part in road building, but has left it almost entirely to the states and the local governments. Though roads are sometimes aided by the state, most of the work of construction and maintenance is usually left to the local governments.

Roads of other Nations.— England, Germany, Austria, Russia, Switzerland, Italy, all build good roads and keep them in order, and from two to four times greater loads can be hauled at one time than is possible on most American highways. Largely because of our system of land survey, roads go up and down hill or through swamps, but in other countries roads are as carefully laid out by skillful engineers as are the railroads, and are cared for by expert roadmasters.

Improvement in Roadmaking.— The old method of working out the road tax is fast disappearing because the work was poor, and unsystematically done. Instead, a road tax is collected, and the work of improving the roads is done by men employed for that purpose, working under the charge of an officer. The good roads question is receiving much attention in Kansas at present. The Legislature of 1911 passed a number of road laws among which it is provided that:

1. In each township the trustee, clerk, and treasurer shall constitute a board of highway commissioners to have charge of repairing and improving roads.

2. Second and third class cities shall constitute road districts separate from the townships in which they are located and shall have power to appoint street commissioners.

3. The commissioners of each county may appoint a county engineer to have general supervision of the roads of the county.

4. The state engineer must render advice on road questions when requested by the county engineers or county commissioners.

Rock roads are being built in many thickly settled regions, and throughout the state much work in drainage and grading is being done. Besides the public work many farmers drag and repair the roads adjacent to their own land.

Transportation by Water.— In the early days of our country when the roads were few and poor the waterways were used for traffic as much as possible. This practice was stimulated by the invention of the steamboat. During Jefferson's administration a general system of improved waterways, including many canals, was planned. During the following quarter century a number of canals were built, but after the building of railroads began, no more canals were dug, and many of those already in operation were abandoned.

Rivers.— Rivers can be of vast importance both in the carrying of goods and as a means of regulating railroad traffic. Railroads have the monopoly of transportation, and some of them have taken an unfair advantage by charging excessive freight rates. For this reason, there has been in recent years a revival of interest in our water-

ways. There are in the United States about twenty-five thousand miles of water courses that are deep enough and wide enough to carry boats, and this mileage can be increased by dredging and deepening the rivers and building connecting canals.

Canals.— Nearly all of the canals within the country have been built by the states. The most important of these is the Erie canal, 363 miles long, connecting Lake Erie with the Hudson River. This canal was for many years a very great factor in freight traffic because it made it possible for freight to be carried by water from Lake Superior to New York for about one-fourth of what it would cost if sent by rail, thus saving a great deal in freight expenses. In recent years it has been much neglected, but it is now being cleared out and put into condition for use, and a plan to widen and deepen it until it will carry ships is being discussed as a possibility.

It is also proposed that the National Government make a deep waterway from the Great Lakes to the Gulf of Mexico. The route would be from Chicago, down the drainage canal and the Illinois and Mississippi rivers. It is thought that such a waterway would lower freight rates and build up the commerce of the Middle West.

The Panama Canal is the greatest undertaking of this kind ever attempted by the National Government. This canal together with the Lakes-to-Gulf waterway would open up the Mississippi valley to the commerce of the Pacific.

Railroads.— The construction of railroads rests almost entirely on state authority, because the necessary land must be obtained through the state's right of eminent domain. Although several transcontinental lines have been chartered by Congress, railroads usually receive their charters from the states and are constructed by

private enterprise; that is, by groups of persons organized into companies or corporations for that purpose. The enormous amount of business done by railroads makes them the most important private interest in the country; they affect every community and nearly every person. Although the carrying out of the organization and work of these great corporations is done with such ease and skill as to be a splendid tribute to the business ability of the American people, yet there are a number of irregularities in railroad management, the adjustment of which forms one of the greatest problems before the American people today.

Some of the Irregularities.—Passenger rates have been quite uniform and fairly low, usually about three cents a mile, but it has been customary for a large class of people who can best afford to pay fares, to ride on passes; that is, they are permitted to ride without charge. Several of the middle-western states, a few years ago, passed laws reducing the passenger rate to two cents a mile, and abolishing the pass privilege. Kansas secured such rates by an order of the State Board of Railroad Commissioners. At the present time many of the states prohibit the granting of passes except to railroad employees and other specified classes.

Freight Rates form the greatest problem in connection with railroads. Since the railroads are given the right of way through the people's land, since they receive their charter from the people's government, and most of all, since their business is to serve the public, they should treat all alike and charge all persons the same rate for the same service. But it is on this point that much difficulty has arisen.

The Long-and-Short-Haul Discrimination.—The rebate, which has until very recently been a serious discrimination

practiced by railroads, has now been practically abolished, but the long-and-short-haul discrimination is a present injustice. This came about because of competition between the roads to carry the transcontinental exports and imports and those between the large interior cities and the coasts. To secure this business the railroads make lower rates for these long hauls than for shorter hauls on the same lines. For instance, the rate on flour from Topeka to Los Angeles is 65 cents per hundred pounds, while the rate from Topeka to Flagstaff, Arizona, is $1.24 per hundred pounds, although Flagstaff is on the direct line from Topeka to Los Angeles. Such discrimination is a great hardship to the shippers in the smaller cities.

Who May Remedy Conditions.— There are only two ways to meet these difficulties, action by the states or by Congress. Since the states grant most of the charters they may make regulations concerning the speed of trains, the character of accommodations, the protection of crossings, and rates on business lying entirely within the state. About two-thirds of the states, Kansas among the number, have Public Utility Commissions to attend to these matters. But all matters pertaining to interstate business must be regulated by the National Government.

The Interstate Commerce Law.— The Interstate Commerce Law was passed in 1887 creating a commission to do away with injustices in railroad rates. It was found that this commission did not have sufficient authority to enforce its decisions, so the law was amended in 1903, in 1906, and again in 1910, making the Interstate Commerce Commission a really efficient body. It consists of seven members appointed by the President. Although this commission has not succeeded in removing all railroad abuses, it has accomplished much by giving publicity to railway management and accounts, by requiring that

printed lists of rates be open to the public, by punishing both those who give and those who receive rebates, by demanding that all rates be "just and reasonable," and by fixing maximum rates. No doubt as time goes on better methods will be developed for the regulation of the railroads.

Consolidation.— In order to do away with competition among themselves, and to reduce the cost of operation, there has been a movement toward the consolidation of railroads. They have formed a combination of interests so that the general policies of all the important railroads in the country are dictated by a small group of men.

Transportation in Cities.— The problems of transportation in the cities are quite different from those of the country and small towns.

The Streets.— It has been found necessary to pave the streets so that traffic will not be hindered by mud or slush, to keep the paving in repair, to build sidewalks, to clean the streets, and to provide systems of drainage and lighting. All of these must be provided for by the city and are a source of heavy expense under the best of management, but if the city government is careless, or incompetent, or dishonest, the result may be poor streets, or an unnecessarily heavy burden of expense, or both.

Development of City Transportation.— The earliest method of carrying the passengers in cities, was by stages and omnibuses which could carry but few persons and were hindered by bad roads. About 1845 the first street railways for horse-cars were built, and they continued in general use until about 1890. Various kinds of motors had been tried unsuccessfully, but at last, by taking electric power from a continuous wire, the question was solved and the whole system of city transportation was changed. The method of feeding the trolley lines from wires over-head

soon came into general use, but on account of the many accidents in the large cities the wires are now often placed in slots below the streets.

Elevated Lines and Subways.— The convenience of travel, together with the increase of population, served to make the amount of travel so great that the handling of it in large cities became a problem that was first solved in New York, by building elevated lines above the streets for steam or electric lines. This plan was followed in Boston and Chicago. Later New York and Philadelphia also established underground lines called subways, which are proving a most rapid, convenient and safe method of travel.

Franchises.— If a company wishes to supply a city with water, gas, electricity, telegraph, telephone or street-car service it is necessary for such company to obtain permission from the city government to use the streets for this purpose. This permission is called a franchise, and is granted on two conditions; that the company shall render a valuable service to the people, and that the use of the streets shall not be unreasonably interfered with. It is very important that great care be exercised in the granting of franchises so that none of the people's rights may be bartered away.

Transportation Problems.— There are three chief points to be considered in the relations between the city and its railway companies.

1. The streets are public property and should be used for the good of the people.

2. The city should receive payment for any privilege granted an individual or a corporation to erect poles, or lay pipes or tracks in the streets.

3. The people should be given good service at reasonable rates.

These are the rights that belong to the people, but they have not always been secured in the past, for franchises were frequently granted for long periods of time, usually from twenty to forty years, and frequently without any arrangement for paying the city for the franchise privilege.

Two plans have been offered to avoid these evils in the future. One is city ownership of street railways, which would mean that the city would own and manage them, as most cities do their waterworks. The other plan is to grant franchises for a short term of years and in such a way that the cities can have general control over the companies that own the railways, and can have a part of the profits paid into the city treasuries.

One Result of Rapid Transportation.— Formerly the population was densely crowded in the central part of large cities, but with better means of transportation this condition is being improved. People can go back and forth so quickly and conveniently now that it is no longer necessary for them to live close to their places of work. The city is spreading farther and farther out, and more and more of the people are living in clean and quiet suburbs, instead of in the crowded, unhealthful tenement districts. Thus, we see that methods of transporation are to be considered not only as a convenience for travel, but as a factor in promoting public health, and in the prevention of crime, by permitting people to live in more wholesome surroundings. Transportation, like most of the problems of government, is interwoven with many others.

QUESTIONS

1. How did people travel in colonial days? Discuss the roads and rates of travel.
2. How were the colonies affected by these conditions?

3. Name the different means of transportation in the order in which they came into use. Discuss each. Have they displaced the country roads? Explain.

4. Why are poor roads expensive?

5. What is done in regard to roads by the National Government? State government? Local governments? Explain.

6. Discuss road making in other countries.

7. Is the method of working out the road tax a good one? Why? Is it in general use? Is it used in Kansas?

8. Is much attention being paid to the condition of our roads at the present time?

9. What is the board of highway commissioners? Who are the members of the board in your township? If you live in a city, what provision is made for the care of the streets? Who has charge of this work?

10. How does the county engineer get his position? Does your county have one? If so, who is he?

11. Discuss the condition of the roads in your community. What work of improvement is being done?

12. Was water much used as a means of transportation in the early days? Explain.

13. What effect did the railroad have on waterways? Why is there a revival of interest in waterways at the present time? Discuss the development of waterway facilities.

14. From what authority do railroad corporations obtain their charters? Are the railroads of interest to many of the people? Why?

15. Discuss passenger rates in Kansas. Are the rates the same in all states?

16. Why should government have any more authority over railroad rates than it does over the price charged by a merchant for his goods?

17. Explain the "long-and-short-haul" discrimination. Use a map and explain the example given. Do you know of others?

18. Explain state and national authority over railroads.

19. How long since the Interstate Commerce Law was passed? When amended? What was the purpose of the amendments? What has been accomplished by the Interstate Commerce Commission?

What is meant by consolidation of railroads?

21. Discuss development of transportation facilities in cities. How long have electric cars been in use?

22. Tell all you can about elevated lines and subways.

23. What is a franchise? By whom granted? Discuss the care that should be exercised in the granting of franchises. Has this always been done? Explain. What plans are now being offered to better conditions?

24. What is the effect of rapid transportation on the conditions of life in cities?

FOR SUPPLEMENTARY STUDY.

Pamphlets from Office of Public Roads, Washington, D. C.
Pamphlets by State Highway Commissions of Illinois, Missouri, Iowa, and Ohio.
Pamphlets from Kansas Agricultural College.
"The Art of Road Making," Engineering News Pub. Co., New York.
Dunn, The Community and the Citizen.
Ashley, American Government.
Hart, Actual Government.
Henderson, The Social Spirit in America, 88–100.
Brigham, Commercial Geography, Chapter XIV.
Coman, Industrial History of the United States.

Of all inventions, the alphabet and the printing press alone excepted, those inventions which abridge distance have done most for civilization.

—MACAULAY.

CHAPTER XII

ELECTIONS

Representative Government.— As we have seen, government in the United States is democratic because the people are the source of power, and it is republican because they exercise their power through representatives. The word representatives as here used does not mean only members of Congress, but it means all officers of government. The officials who are elected represent the people directly, those who are appointed represent them indirectly, and none of them are entirely removed from responsibility to the voters.

Responsibility of the Citizen.— The whole machinery of government is carried on by elected or appointed officials, but while representation is a very convenient device it cannot remove all of the responsibility from the shoulders of the individual. If the citizens elect incompetent or dishonest officials, or fail to inform themselves regarding the work done by their officials, or fail to take measures to correct wrong conditions, the citizens themselves are to blame for the evils of their government. A poor government is a reflection on its citizens. William Penn said: "Governments depend upon men rather than men upon governments. Let men be good and the government cannot be bad; for if it be ill they will cure it. But if men be bad, let the government be ever so good, they will endeavor to warp and spoil to their turn. I know some say, let us have good laws and no matter for the men who execute them; but let them consider that though good laws do well, good men do better, for good

laws may want good men and be abolished by ill men; but good men will never want good laws nor suffer ill ones."

Who Are Citizens?— The Constitution of the United States answers the question in these words: "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside." Citizenship belongs to men, women, and children. Persons born in this country are citizens, and foreigners or aliens may become citizens by the process of naturalization which will be found fully explained in the discussion of the Constitution. (Page 209.)

Immigration.— America with its liberal government, cheap land, plentiful work, and good wages, has tempted millions of people here from other countries. They have come from every country of Europe, and from many other lands. The tables below show how the number has increased during the last ninety years. Many people are much concerned because such a large per cent of the immigrants in recent years have come from the southern and eastern parts of Europe where conditions are so different from those in the United States.

IMMIGRATION INTO THE UNITED STATES

1823	6,354	1903	857,046
1830	23,322	1904	812,870
1840	84,066	1905	1,027,421
1850	369,986	1906	1,100,735
1860	150,237	1907	1,285,349
1870	387,203	1908	782,870
1880	457,257	1909	751,786
1890	455,302	1910	1,041,570
1900	448,572	1911	878,587

IMMIGRATION BY COUNTRIES

Countries	1910	1911
Austria-Hungary	258,737	159,057
Greece	25,888	26,226
Italy, inc. Sicily and Sardinia	215,537	182,882
Russian Empire and Finland	186,792	158,721
France, including Corsica	7,383	8,022
German Empire	31,283	32,061
Norway	17,538	13,950
England	46,706	52,426
Ireland	29,855	29,112
Scotland	20,115	18,796

Regulation of Immigration.— Because the people were needed to develop the country, the Americans encouraged immigration until about 1880, when they began to feel that some restrictions must be made in order to prevent the country from being overrun with the undesirable classes of other countries. Regulations have been made from time to time until at present admittance is denied to Chinese laborers, idiots, paupers, insane persons, criminals, persons with contagious diseases, or persons under contract to work in competition with American labor. The privilege of immigration is prohibited the Chinese chiefly because they do not become Americanized but retain their own customs and interests.

Foreigners Settle in Groups.— The tendency of foreigners is to settle in groups which are constantly added to by new comers from the native land. In many large cities there are settlements of different nationalities, as Greeks, Jews, Italians, Russians, each living in a quarter to itself. Naturally these settlements tend to retain the traits of their nationality in their homes, dress, manner of living, and ways of thinking. Foreign settlements may be found scattered over the whole country, a number of them in Kansas, and in many instances they are among the most valuable and worthy of our people. In fact, America

has been called "a nation of foreigners" because such a large per cent of the people are either immigrants themselves or their very late ancestors were immigrants.

Becoming Americans.— Many of the immigrants become Americanized rapidly and are proud of their new citizenship and of their greater freedom in politics, religion, and labor. And it is necessary to the welfare of our country that they do become thoroughly American, not only in language and customs, but in mind and heart and spirit.

The Right to Vote.— The right to vote, or the right of suffrage, is not a right possessed by all citizens, but is a privilege granted by government. At first this right belonged only to the leaders among the people, those who had rank, or wealth, or education. Later the middle class of people began to demand and receive political rights, then the property qualifications were slowly removed, and finally the religious tests disappeared.

At the close of the Civil War the fifteenth amendment was adopted. It reads: "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude." This protected the negro against laws which might deny him the ballot because of his color. Thus we see that there has been a steady growth of the privilege of suffrage. Another great body of citizens, the women, are asking and beginning to receive the right to vote.

Qualifications of the Voter.— The fifteenth amendment is the only restriction on suffrage that is made in the National Constitution. The rest is left to the states and considering the great opportunity for variation the results are remarkably uniform.

In all the states the age qualification is twenty-one years.

In all the states a residence of six months to two years is required. In Kansas it is six months in the state, and thirty days in the precinct.

In thirty-five states a voter must be a citizen of the United States. In others an alien may vote. In Kansas an alien who has declared his intention of becoming a citizen may vote.

In nine states there is an educational qualification.

In the six states Colorado, Idaho, Utah, Wyoming, Washington, and California, women may vote. The question is now (May, 1912) pending in Kansas, and several other states. In a large number of states women may vote in school elections, or in city elections, or both. They may vote in both in Kansas.

In all the states certain classes of persons are excluded from voting, as idiots, lunatics, paupers, and convicts.

In forty-one states it is necessary for all voters to register before election day. Other states require certain classes to register; in Kansas it is required of voters in first and second class cities. This measure does much to prevent fraudulent voting.

Read Article V of the State Constitution, page 164.

How To Vote.— Each county or city is divided into a convenient number of election districts, or election "precincts," and each precinct has its own voting place and election officers. These officers take charge of the voting and the counting of the votes. When a voter enters the voting place, or "the polls," he is handed a ballot on which are printed the names of all of the candidates of each political party. He goes into a little booth and if he wishes to vote a "straight" ticket he makes a cross at the top of the column representing his political party, but if not, he makes a cross opposite the names of those he wishes to vote for, folds the ballot with the names

inside, and comes out and gives it to an election officer who puts it into the ballot-box. This is the Australian Ballot system and its secrecy prevents much of the bribery and intimidation that were practiced under the open ballot method of voting.

The Names on the Ballot.— The duty of every qualified voter to cast a ballot, carefully marked, on election day is but a small part of his duty. How did all these names get on the ballot? What is the relation of the voter to these names?

Political Parties.— The people in every community are divided in their opinions on questions of government. Those who believe in the same methods and policies, belong to the same political party. Each party is organized for the purpose of filling the offices from among its own members in order that the policies advocated by the party may be carried out. There is usually an organization of each party wherever there are offices to be filled; in the towns, in the townships, in the city and its wards, in the county, the state, and the nation. Each organization of each party has its officers and committees, but all the organizations of each party work together. The work and management is largely done by the central committees, which distribute literature, collect and expend funds to carry on the campaign, arrange meetings, provide speakers, and keep in touch with the voters. Places on the state and national committees are regarded as important and influential.

Nomination of Candidates.— Most of the complicated machinery of political parties is not a matter of law, but of custom that has developed gradually through the years, and has become so thoroughly established as to be recognized as binding. The convention system has, until recently, been generally followed. According to this plan

the work begins in each party several months before election with the calling by the various committees of a caucus in each precinct. A caucus is simply a meeting in any particular precinct, of the voters of one political party, for the election of delegates to a convention and sometimes for the nomination of officers. The voting is not by ballot but is *viva voce* or by counting the voters. At a caucus, for instance a township caucus, they nominate officers for the township and elect delegates to the next larger convention which is the county. At the county convention they nominate county officers when necessary, and elect delegates to the district and state conventions, and so on, up to the national convention which nominates the candidates for President and Vice-President. In cities a similar system of conventions is followed.

It will be noticed that the only place where the mass of people have a direct voice in such a process of nomination is in the first meeting, where the first set of delegates is elected. After that everything is done by delegates.

The "Boss" and the "Machine."—Organization and leadership are as necessary in a political party as in any other large undertaking, and there are many broad-minded, public-spirited men in control of party affairs, but frequently party leadership falls into the hands of a man who is actuated by selfish motives; he manages political affairs for the benefit of himself and his followers rather than for the best interests of the people. Such a man is called a political "boss" and the body of men that he gathers around him to assist in carrying on the work are known as the "machine." The words "boss," "machine," and "machine politics," are generally understood to refer to political methods that are not of the best.

The Direct Primary.— The Direct Primary is a system of nominating party candidates by direct vote of the

people instead of by conventions. It has been adopted by two-thirds of the states. The Kansas Primary Law covers all offices except those of President and Vice-President. All parties must hold their primary election at the same time and place, and use the Australian Ballot system.

Primary Ballots.— At the Primary election each party has its own ballots on which are printed the names of all candidates of the party. The candidates get their names on the ballot through the circulation of petitions which must be signed by a certain per cent of the voters.

Direct Legislation.— The theory of our government is that those who are elected or appointed to office will carry out the will of the people. Many believe that this is not always done; that the law-makers frequently pass laws for their own benefit, that they are bribed by corporations or money interests to pass laws that are for the benefit of the corporations instead of the people, that they fail to pass laws that are needed, or that the courts are influenced to make certain decisions. Sometimes those who should enforce the laws fail to do so, and corporations and individuals are permitted to violate or evade the law. These conditions have caused many to favor giving the people a more direct voice in the affairs of government. With this end in view a number of states have adopted the Initiative and Referendum.

The Initiative.— The Initiative has been defined as "the giving to the people the right of proposing legislation to be acted upon." It varies somewhat in different states, but as adopted in Oregon, if eight per cent of the voters petition for any measure it must be submitted to the people at the next general election, and if approved by a majority vote it becomes a law.

The Referendum.— The Referendum says that no law unless of an urgent nature, shall go into effect until a

given time, usually ninety days, after the adjournment of the legislature. If during this time a part of the voters, say ten per cent, petition that this law be referred to the people at the next election, it must be done. Then whether it shall stand as a law or not is decided by this vote.

The Recall.— The Recall is another means of giving power to the people, providing that if the people do not like the actions of any public officer they can, by petitioning for his recall, have a new election held. At this election the officer and other candidates are voted upon and if the officer is defeated he is said to be "recalled" and the newly elected man takes the office. The petitions must usually be signed by fifty per cent of the voters, though sometimes the number is as low as twenty-five per cent.

Adoption of These Measures.— At the close of 1911, fifteen states had adopted some form of these measures. The following states had adopted state-wide Initiative and Referendum amendments: South Dakota, Oregon, Montana, Missouri, Maine, New Mexico, and California. The Recall, also, had been adopted in California. One or more of these measures had been adopted by many cities.

Arguments.— Those who favor any or all of these measures believe that the power of political bosses and machines controlled by corporate wealth will be abolished. They believe that it will mean government by all the people instead of by the few.

Those who oppose these measures believe that they will result in much hasty and unwise legislation, and in the frequent recall of officers for performing duties that may be unpopular at the time, but for the good of the whole people in the long run.

Length of Term.— Not all officers are elected at one time, for their length of term varies, being usually from

one to four years. This makes elections very frequent. All terms are made short, so the people need not be long burdened with officers of whom they disapprove, and if they are pleased they have the privilege of reëlection. This frequency of election causes officers to listen more carefully to the voice of the people and to strive harder to give satisfactory service. But on the other hand, so many elections are a source of considerable expense and trouble, and the excitement and uncertainty accompanying them, especially the national elections, tend to depress and unsettle business. For these reasons many people believe that it would be better to have longer terms of office with the privilege of recalling unsatisfactory officers at any time.

Appointive Officers.— It would be impossible for the voters to give careful attention to the election of people to fill all of the offices of the government, so they elect only the more important ones, the heads of the different departments, leaving the rest to be appointed by these elected officials who are responsible not only for their own work but for the character and work of their appointees. The "Spoils System" and the "Merit System" both enter into the appointment of officers. A discussion of them will be found on page 238.

The Short Ballot.— There are many who believe that such a large number of places are now filled by election that it is difficult for the voters to inform themselves as to the fitness of so many candidates. They would have only a few of the most important officers elected and the rest appointed by those who are in a position to know the qualifications of the candidates. This plan would leave fewer names on the ballot and is therefore known as the "short ballot."

The Duty of Voters.— While the voters do not directly make or enforce the laws, yet they do so through the

people whom they elect to represent them, and therefore they are responsible for the government. The voters are really the great governing body of this country, and if they are wise and careful, and select honest and capable officers, we shall have good laws, well enforced. But if the voters fail to take part in the elections, or do not exercise care in the selection of officers, they will have what they deserve, a bad government. The voter should remember that he is really a public officer, a member of the greatest governing body of our country, and that, as such, he has certain duties to perform. Let us see what some of these duties are:

1. To make every effort to understand the questions on which he votes, and the attitude of the different political parties toward these questions. In this way he will know why he belongs to any particular party.

2. To place the good of his country above loyalty to his party. That is, if he believes that certain persons or measures in the other political parties are better than in his own he will not hesitate to vote for them.

3. To learn all that he can about the character and fitness of the candidates for office and then to vote for the best.

4. To neither give nor receive bribes either of money or of favors, direct or indirect.

5. To vote whenever it is his privilege.

6. To recognize that he must abide by the decision of the majority.

7. To continue to vote with the minority for a righteous cause.

Defects in Popular Government.— The terms democracy, popular government, government by the people, mean the same thing and simply designate that form of government in which the people vote and abide by the

decision of the majority. Like all other human arrangements popular government has its defects and its dangers. Some of these will be mentioned.

Ignorance.— Ignorance on the part of any considerable number of the voters is a serious drawback to good government, because, not understanding the questions that are to be voted upon, they are not only apt to make mistakes, but they are liable to improper influence. A good public school system is, as we have already seen (page 31), the real remedy for the evil of ignorant voting, but as a further check, nine of the states require an educational test for voting.

Indifference.— A lack of attention to political matters may arise from different causes:

Indolence, just plain laziness, causes some people to neglect their public duties just as they neglect their own affairs.

Other interests, business or pleasure, are permitted by many to crowd out all thoughts of the public welfare.

The feeling that their votes will make so little difference anyway, allows some people to remain away from the polls. Suppose all voters did that.

Self-interest.— There are many ways in which people may allow self-interest to interfere with their citizenship.

They may do it by the direct buying or selling of votes.

If an officer of a city government barters away the city's rights in the granting of a franchise because it will increase the value of his own property, he is not a good citizen.

If a congressman votes for a high tariff or a low tariff only because it will affect a business in which he is interested, he is placing self-interest before the duty that he has agreed to perform for the people.

If a voter casts his ballot for a candidate that he knows to be unfit for the place, merely because that candidate

will, if elected, appoint a relative of the voter to some office, that voter does not possess a high grade of citizenship.

Conditions Are Improving.—Conditions in our country are steadily growing better. Sometimes, when we see people casting their votes without understanding the questions to be decided, and others selfishly working for their own interests against the public welfare, and some not voting at all; when we hear of officers being bribed, and courts being influenced, we are inclined to doubt that conditions are improving. But we must remember that with better means of communication people are kept better informed regarding the happenings of the world than they used to be. It is not that there is more of evil now, but that we hear more about it. People are taking a greater interest in public affairs and are discovering more of the wrongdoing than formerly. They are realizing more and more fully that the quality of the government depends upon the quality of the citizens, and that the government can be made better only by making the people better. To this end work is constantly being done to improve all of the conditions that have to do with the making of citizens, and we have only to recall some of the chief lines of progress that have been made since the establishment of our National Government, to realize that we are steadily going forward. Progress in education, in the treatment of criminals, in the care of delinquent children, in matters of public health, in the extension of the right of suffrage, in the power of the people, has been very great, but the end is not yet. We are advancing, but how fast and how far we can go depends upon ourselves.

The Good Citizen.— To be a good citizen one must have a knowledge of the conditions and needs of his country. Such knowledge may be gained in several ways; by read-

ing, by observation of the conditions about him, and by much thought.

But it is not enough to know what ought to be done; the good citizen must help to do it. No matter how much anyone may know about questions of government, if the knowledge is not put into practice it is useless.

Patriotism.— Patriotism means love of country. To be patriotic, one must fight for his country, but that does not mean to fight only a foreign enemy with weapons. It means to fight everything that is a hindrance to good government; greed, graft, ignorance, and wastefulness. It means to realize that the good of the many is greater than the good of the one. It means unselfish service.

QUESTIONS

1. What is a democracy? A republic? Explain the use of the word *representative*, in relation to our government. When the people elect their officials does their responsibility cease? Explain. What did William Penn say of the relation between men and government?

2. How does the Constitution define the word *citizen?* Are you a citizen? Why?

3. Give the meaning of *immigration* and *emigration.* Tell something of immigration to America. Discuss regulation of immigration.

4. Are there any groups of immigrants near your community? Are they becoming Americanized? What does the school have to do with the making of Americans?

5. What is the right of suffrage? How obtained? Give an account of the extension of suffrage since colonial days.

6. What authority defines the qualifications of voters? Discuss qualifications of voters in regard to age, residence, citizenship, education, sex. What are the voting privileges of women in Kansas? What is meant by the registration of voters? Is it required in Kansas?

7. Explain the process of voting.

8. Why do the people divide into various political parties? Name all the political parties you can. Why do the parties appoint committees?

9. How are candidates nominated under the primary system? The convention system? Which plan is now used in Kansas?

10. What is a political "boss?" A political "machine?" Why are these terms often used in a bad sense? Whose fault is it if unscrupulous men control party affairs?

11. Do the people act directly or indirectly in making laws through their representatives? What is meant by direct legislation? What are the reasons urged in favor of direct legislation?

12. Name the two measures for direct legislation. Explain each. Explain the "Recall."

13. Have any of these measures been adopted in Kansas? Where have they been adopted? What are some of the arguments for each of these measures? Against them?

14. For how long a term is the President elected? The Governor of Kansas? Most of your county officers? Are these long terms? What good argument against long terms? Against short terms? What suggestion has been offered to meet this difficulty? Name an officer who is elected. One who is appointed. Explain the "short ballot."

15. Explain how every voter is a public officer. What are the duties of the voter? Discuss each. Who suffers for it if the government is bad?

16. What are three great defects of popular government? Discuss each. Illustrate each.

17. Are political conditions in our country growing better or worse? Why do you think so? Name some conditions that are wrong. Conditions that are growing better.

18. On what does the quality of government depend? How can it be made better? Give some of the work of government that has progressed since our government was established. What are some of the improvements yet to be made?

19. What are the qualities of a good citizen? Discuss the meaning of patriotism. Show how a pupil in school may be patriotic. Show how each of the following may be patriotic; a business man, a farmer, a juryman, a member of a school board, a lawyer, a teacher.

20. Who was William McKinley? Read and discuss the quotation from him.

For Supplementary Study.

Secure ballots from the office of County Clerk.
The World Almanac, The Press Pub. Co., New York.
Dunn, The Community and the Citizen, 34–40, 161–188.
Forman, Advanced Civics, 3–21, 95–109, 225–231, 344–349.
Boynton and Bates, School Civics 309–325, Supplement 13–19.
Ashley, American Government, 15–38.
James and Sanford, Government in State and Nation, 48–60.
Bryce, The American Commonwealth, 387–396, 455–530.
Hart, Actual Government, 65–109.
Prescott Hall, Immigration.

I cannot too earnestly invite you to the closest personal attention to party and political caucuses and the primary meetings of your respective parties. They constitute that which goes to make up at last the popular will. They lie at the basis of all true reform. It will not do to hold yourself aloof from politics and parties. If the party is wrong, make it better; that's the business of the true partisan and good citizen.—William McKinley.

CHAPTER XIII

TAXATION

The Cost of Government.— A vast amount of money is required to support the entire government; a billion dollars a year for the local governments, a fifth of a billion for all the state governments, and four-fifths of a billion for the National Government; a total of two billion dollars a year. This money is used for a multitude of purposes; for the payment of the thousands of public officials; for the erecting and maintaining of such buildings as postoffices, courthouses, city buildings, and capitols for the transaction of public business; for carrying out the work of education, health, charity, punishment, and protection of individuals; for public improvements; for armies and navies; and for the many other services of government. It will be noticed that the cost of local government is as much as that of state and National Government together, but it will also be recalled that much of the work of government is done by the localities. City government is especially expensive. The least costly form of government is the state, because its functions do not require heavy expenditures for improvements. Its chief expense is usually for the payment of the public officials, for the care of unfortunates, and for educational purposes. The work of the National Government will be studied later.

Taxation.— Taxation is the raising of money for the support of government. In other words, the amount of taxes is the sum the people pay for the protection and privileges of government. Through their use of the

roads, streets, parks, schools, public libraries, postal system, and fire departments, for the protection of their rights, property, and lives, they are receiving value for the taxes they pay. They owe the government for these services and the debt is as just and honorable as any other debt, and should be paid as promptly and willingly.

Attitude of the People Toward Taxation.— The people have never paid their taxes cheerfully. Although the benefits they receive from their taxes are much greater in proportion than the value they receive for money spent in any other way, yet many feel that taxation is taking from them something that is their own. But while some of this feeling exists among the people of today, they bear with comparative cheerfulness, a system of taxation that is many times heavier than that imposed upon the colonists by England, and which caused them to rebel, and finally to declare their independence. But the difference is, that the people now levy their own taxes, and spend the money themselves. It is for their own benefit, and they tax themselves liberally, even if not always cheerfully.

Kinds of Taxes.— Taxes are direct and indirect. The national income arises from indirect taxation, which will be studied in connection with the National Government. State and local taxation is direct; that is, it is apportioned directly to the taxpayer. Direct taxes are of several kinds.

Property Tax.— Property, both real and personal, is universally taxed. About three-fourths of all the revenue of the state and local governments is raised by the property tax.

Inheritance Tax.— This tax is levied upon property that is inherited. The idea is that those who acquire wealth which they have not earned are able to pay a

per cent of it as taxes. About three-fourths of the states, including Kansas, have some form of this tax. The law varies widely in different states, but in most of them small legacies are not taxed, and close relatives are not required to pay so much as are more distant ones. In most states the rate of tax is increased with the amount of the legacy.

Corporation Tax.— The great increase in corporate wealth in recent years has made it necessary to formulate a tax to reach as much as possible of this property. Such corporations are railway, telegraph, telephone, and express companies. The tax is levied sometimes on the income and sometimes on the capital stock of the corporation.

Franchise Tax.— If a company has been granted a franchise to run a trolley line on a certain street, the privilege is valuable. For this reason franchises are usually taxable. Many of the companies are required to pay into the city treasury, a certain per cent of their total receipts.

Poll Tax.— This is an amount, usually from one to four dollars, levied on persons without reference to property.

Licenses.— People who are engaged in certain kinds of business must pay a sum of money for the privilege. This tax is usually levied by local governments and is not uniform. It is usually placed on such business as that of saloons, theaters, peddlers, and pawnbrokers.

Fees.— Fees are charged for certain kinds of public service, as recording deeds, and issuing marriage licenses. Much of the work of sheriffs and probate judges is paid by fees.

Everybody Pays Taxes.— It may seem at first thought that only property owners pay taxes, but indirectly

everybody is a taxpayer. Since a merchant must pay taxes on his stock of goods he adds this amount to the price, so every one that buys pays a portion of the tax on his goods. One who rents a building must pay not only enough to give the owner a reasonable profit, but enough more to cover the cost of his taxes. Similarly the rent paid for a farm includes both profit and taxes for the owner. In this way, everyone is indirectly affected by taxation, but those who pay any of the regular forms of taxes are taxed both directly and indirectly.

Problems of Taxation.— The tax question is one of the most difficult that government has to deal with, and resolves itself into three general parts.

1. *To find the taxable property.*— Real estate can hardly fail to be listed, and furniture, books, stocks of goods, implements, and livestock, are not very difficult to find, but such things as notes, mortgages, stocks and bonds, and shares in corporations, are very hard to find and probably a large part of them are never taxed. Since this kind of property is generally owned by the wealthier class of people who could best afford to pay their full share of taxes, it is especially unjust that so much of it should escape taxation and every effort is being made to find means of remedying this evil.

2. *To state the value of property* when discovered is a matter calling for good judgment and honesty. Experience and a wide knowledge of property values are essential to good assessors, but assessors are too often elected for short terms with little attention to their especial fitness for the place.

3. *To collect taxes.*— The collection of taxes on personal property is somewhat uncertain, because such property may change hands or be taken out of the state before the tax is collected. On real estate, however, the collec-

tion is certain, because all taxes not paid before a specified date become delinquent and the property may be seized and sold. After the taxes and costs have been paid the remainder, if any, is returned to the owner.

Collection.— The amount of annual tax paid by a property owner includes his share of state tax and all local taxes. In Kansas it is paid to the county treasurer, who distributes it to the state and the different local governments. Any person may pay half of his taxes on, or before, the twentieth day of December, and the second half by the twentieth of June. If the whole amount be paid in December, a rebate will be given, but if none of it be paid in December, a penalty of 5 per cent will be added to the amount due, and if not paid in June, a second penalty of 5 per cent will be added. It now becomes a delinquent tax and if it remains unpaid the property is advertised in August and sold on the first Tuesday of September. After three years, if the property has not been redeemed by the payment of all taxes and costs, a tax title will be delivered to the purchaser.

Equalization.— It is difficult to secure uniform assessment of property, because the judgment of the different assessors varies. In order to remedy this as far as possible a system of equalization of taxation has been established. In Kansas this is secured in the following manner: The county assessor appoints two persons, not of the same political party, who together with the deputy assessor, form a *board of review, for each township or assessment district.* This board meets on May 15, for the purpose of equalizing the assessments of real estate in that township or district. Anyone who feels that he has been unjustly assessed, may appear before the board of review, and present his grievance.

Then on the first Monday in June, the *county com-*

missioners meet as a board of equalization for the county. They decide any appeals that have been made from the board of review, they equalize all personal property assessments, and they make adjustments between the townships. If a whole township seems to have been assessed higher than the others, the board of equalization will lower the assessment, or if it is too low they will raise it.

On the second Wednesday of July, the *State Tax Commission meets as a board of equalization for the State.* It equalizes taxation between the counties, raising or lowering their assessed valuation, as it deems necessary. Individuals may, if they desire, appeal their grievances from the county board to the state board of equalization.

Exemptions.— Certain kinds of property against which no tax is levied, are said to be exempt. School and church property, the property of colleges, charitable institutions, public buildings such as courthouses and capitol buildings, and other property that is used for the public benefit instead of for profit, are exempt from taxation.

In our state, householders, that is, people with families, whose assessed valuation is below two hundred dollars, are not required to pay taxes.

Read Article XI, Section 1, of the State Constitution, page 169.

Use of Public Funds.— Revenue is absolutely essential to maintain government and the more generous the taxation, if wisely expended, the more public benefits will the people enjoy. But we must not forget the qualifying clause, "if wisely expended." Every officer who has anything to do with public money should see that it is used as carefully and honestly as though it were his own. The public money is not a "magic fund," it is merely a share of the people's hard-earned money and

it should be so handled as to bring the greatest amount of good to all the citizens.

The Duty of the Citizen.— The duty of the citizen in regard to taxation is threefold:

1. *To scrutinize carefully the use of the public funds.*— Even with the most careful use of the public money the demands of taxation are heavy. It has been estimated that the taxes of the United States amount to one-twelfth of the combined earnings of every man, woman, and child in the United States, or all of the earnings for one month of each year. This makes it all the more evident that every dollar should be carefully and wisely expended, and it is the duty of the citizens to see that careful and accurate accounts are kept of all public funds.

2. *To pay his own taxes promptly and honestly.*— There are people who feel that they are justified in evading their taxes as far as possible. They do not look upon it as particularly dishonest. But whenever anyone fails to pay his just share of taxes, he is defrauding the people of the community, for a certain amount of money must be raised, and if one person evades the payment of his share, then others must pay that much more. Evasion of taxes is simply a form of dishonesty.

3. *To assist public opinion in evolving just and efficient tax measures.*— Our system of taxation is the best that people have as yet been able to devise, but it is still far from perfect and can be improved only by the efforts of intelligent and thoughtful people. The working out of a good tax system is one of the big problems of government.

Read Article XI, sections 1–4 of the State Constitution, pages 169, 170.

QUESTIONS

1. Tell something of the cost of government. Which division of government is the least expensive? The most expensive?

2. Name as many as possible of the purposes for which public money is expended in your community. Which is the more expensive, rural or city communities? Explain.

3. What is taxation? What do we receive for the money that we pay for taxes? Illustrate.

4. Discuss the public attitude toward taxation. Discuss the attitude of the colonists toward taxation. What did they mean by saying "No taxation without representation?"

5. Are state taxes direct or indirect? Name the kinds of direct tax and discuss each. How many of them are levied in your community?

6. Explain how everyone is taxed indirectly. Give illustrations.

7. What are the chief difficulties to be met in taxation? Is real or personal property more difficult of assessment? Why?

8. Is the assessor an important officer? Why? What qualifications should he possess?

9. Are there any difficulties connected with the collecting of taxes? When are taxes due in our state? What will be the result if a person fails to pay his taxes? What is a delinquent tax? What is a tax title?

10. What is meant by equalization of taxes? If a man believes his taxes to be too high, what can he do about it? If the assessor in one township assesses property much higher than the assessor does in another township, what is the remedy? What would be done if your county should be assessed higher than the rest of the state?

11. Is there any property in the state that is not assessed? Explain.

12. Discuss the use of public funds.

13. What are the duties of the citizen in regard to taxation? Discuss each.

14. Could your school district vote a tax to purchase a library and afterwards use the money to buy coal? Why?

15. Who was John Stuart Mill? What is said of taxation in the quotation from him?

For Supplementary Study.

Obtain a list of tax levies of the County Assessor.
Dunn, The Community and the Citizen, 98–103, 228–238.
James and Sanford, Government in State and Nation, 60–69.
Ashley, American Government, 143–154.
Hart, Actual Government, 381–404.
Bryce, The American Commonwealth, 356–366.
Forman, Advanced Civics, Chapter XXXV–XXXIX
Fiske, Civil Government, Chapter I.

For what reason ought equality to be the rule in matters of taxation? For the reason that it ought to be so in all the affairs of government. A government ought to make no distinction of persons or classes in the strength of their claim on it. If any one bears less than his fair share of the burdens, some other person must suffer more than his share. Equality in taxation, therefore, as a maxim of politics, means equality of sacrifice. It means the apportioning of the contribution of each person toward the expenses of government, so that he shall feel neither more nor less inconvenience from his share of the payment than every other person experiences from his.—John Stuart Mill.

CHAPTER XIV

LOCAL GOVERNMENT

Local Government.— The township, the county, and the city are the three forms of local government. They are called local because they administer the affairs of particular localities. They are but parts of the system of state government and exist for the purpose of carrying out state laws. Local governments are but little concerned with political questions, but are occupied with a multitude of details in connection with the health and education of the people, the punishing of law breakers, the building of roads and bridges, the keeping of records of public business, and other matters that are of importance in each particular community.

Local Government in the Colonies.— The colonists who settled in different parts of the new country, found varying conditions, and naturally each group adopted a system of government that most nearly fitted its needs. The same condition has followed in the settlement of the whole country, so there is considerable diversity in the forms of local government. It has been said that in New England, political life centered around the church, in the South around the courthouse, and in the West around the schoolhouse.

The Township System.— The land in New England was rough and broken, so the farms were small and the people of each community lived in a village or town inclosed with stockades for protection from the Indians. This also gave them better religious advantages, for each town built a church in its center. The people of each commu-

nity governed themselves by meeting in the church for the transaction of business. Thus the unit of government was the town, or township as it is often called, since it included the surrounding farms. The same plan is used there today, except that the town hall is used for the meetings which occur but once a year, when officers called selectmen are elected to carry out the measures passed at the town meeting. Because the people take an active part in their government, the township system of New England is an excellent training school for citizenship. The system has not, however, been fully adopted by any other section of the country.

The County System.—The people in the Southern colonies lived on large plantations. For this reason the population was so scattered that the township system could not be used, so following the plan of Virginia, they adopted the county form of government with the county court as the center of authority. The county as a division of government has come to be very widely established; every state, except Louisiana where they are called parishes, is now divided into counties, although they are of little importance in the New England states. In the states of the South and the far West the county is the governing unit.

The Township-County System.— The states between New England and Virginia adopted a mixed system in which there was both the township and the county organization. This plan has spread westward over the northern half of the Mississippi Valley and into the Northwest. Generally speaking, in these states the county is less important than in the South and the township less important than in New England. The system varies somewhat, but one of its simplest forms is the Pennsylvania plan that has been adopted by a number of states, among them Kansas.

Local Government in Kansas.— The state is divided into 105 counties which are composed of varying numbers of townships.

Read Article IX of the State Constitution, page 168.

The County.— The County, in this state, is far more important than the township. It carries out in detail the work of the State and has a very complete organization. In each county there is a courthouse, located in a city called the county seat. In this courthouse are the offices of the county officials whose titles and duties are as follows:

The Board of County Commissioners is composed of three members elected for a term of four years, one at one biennial election, and two at the next one. Their chief duties are: to fix the rate of the county tax; to open and repair roads and build bridges; to build and repair county buildings, as courthouses, jails, and poor-houses; to appropriate money for county expenses; to represent the county in suits at law.

The County Clerk.— It is the duty of this officer to keep complete records of the papers and proceedings of the County Commissioners; to keep financial accounts with county, township, and school district officers; to make out the tax roll; and in general to keep a record of county business.

County Assessor.— In counties having a population of less than 10,000 the county clerk acts as county assessor, but in counties of more than 10,000 inhabitants a special assessor is elected. He has general charge of the assessment of taxes in his county.

The County Treasurer collects and pays out all county moneys and publishes quarterly statements of the work.

The County Attorney represents the people in the courts of his county, advises county officers at their

request, and has general control of the legal affairs of the county.

The Register of Deeds records in books entrusted to his care, all deeds, mortgages, maps, and writings filed with him for record.

The County Superintendent of Schools.— The duties of this officer were given on page 26.

The Probate Judge has jurisdiction over the estates of deceased persons, minors, and persons of unsound mind. He is also the judge of the Juvenile Court.

The Clerk of the Court keeps a record of papers and business in connection with the district court.

The Sheriff serves and executes all writs and orders regarding attendance at court and the preservation of the peace, and has charge of the jail and the prisoners confined in it.

The County Surveyor surveys lands when required and keeps complete records of his work.

The Coroner holds inquests upon the bodies of persons who are supposed to have died by unlawful means or the cause of whose death is unknown.

The Health Officer carries out the regulations of the State Board of Health.

All of these except the Health Officer who is appointed by the Commissioners, are elected by the people for a term of two years. They all take office on the first Monday of January following election, except the County Superintendent whose term begins on the second Monday of May, and the County Treasurer who takes his office on the second Tuesday of October, following election.

The Township is made necessary by the many needs of each neighborhood that can be best attended to by those directly interested. The township government makes it unnecessary to travel long distances to the

county seat to see about a washout in the road or to complain against parties for disturbing the peace.

The officers are two justices of the peace, two constables, a trustee, clerk, treasurer, and road overseers. The trustee, clerk, and treasurer constitute a board of highway commissioners which appoints a sufficient number of road overseers and has charge of the roads of the township.

Read Article IV of the State Constitution, page 164.

Civil and Congressional Townships.— The form of township just studied is a division of government, and is known as a civil township. Its boundaries are fixed by the County Commissioners. The congressional township is a tract of land six miles square according to government survey (page 80), and has no political power whatever. Frequently, but not necessarily, civil township boundaries coincide with those of congressional townships.

The School District.— In many states the schools are managed by the townships, and in others by the counties, but in Kansas the counties are divided into districts, each of which elects a board of three members to manage its school. (Page 26.)

Importance of Local Government.— It is the communities that have charge of the everyday affairs of government that affect us in so many ways. The quality of our local government is reflected in such matters as the condition of the roads, streets, and schools, the peace and order of the community, and the use of the public funds. The affairs of county, township, and district cost a great deal more than those of the State. Since local government is of so much consequence, and since it is near at hand where it can be carefully scrutinized and remedies quickly applied, every individual can best serve his own interests and the interests of his fellow

citizens by taking an active and intelligent part in its affairs.

Municipal Government.— Municipal government is that form of local government that is exercised in a town or city. The governments of counties and townships are administered with especial reference to the needs of rural communities, but when a large number of people live close together, it is plain that such a community has special needs, such as, paved streets, sidewalks, street lights, waterworks, sewers, and fire departments, and must have a government to supply these needs. The states provide for such communities by giving them the privilege of municipal corporation.

Municipal Government in Kansas.— As we have seen, in New England the word town is used the same as township, but in Kansas it is applied in a general way to either a village or a city. A village is an unincorporated group or settlement. There are no town or village governments in Kansas, but all municipal communities are cities of the first, second, or third class. Whenever a village reaches a population of two hundred, it may become incorporated as a third class city, by presenting to the board of county commissioners a petition signed by a majority of the electors, and stating the number of inhabitants. This number must be between two hundred and two thousand. If the commissioners are convinced that a majority of the tax-payers desire such incorporation, they will declare it a city of the third class and order an election of officers.

Whenever a city shall attain a population of two thousand and not more than fifteen thousand inhabitants, it may become a city of the second class by certifying its population to the Governor, who will issue a proclamation declaring it to be a city of the second class. It will

then form its government according to the law laid down for all second class cities in the state.

In like manner a city may become one of the first class by certifying to the Governor that its population exceeds fifteen thousand.

Form of City Government.—City governments differ so much and change so often that a description of one is difficult, but the general outline of their organization is as follows:

Mayor.— A mayor stands at the head of the system. The scope of his authority varies considerably; it may be much or little. Sometimes he has a veto over ordinances passed by the council, he appoints and removes the heads of departments, and is clothed with authority to carry out his policies, and sometimes he has only part or none of these powers. The position of mayor is of immense importance in some of the big cities; interest in the election of the mayor of New York City is often second only to that of the President of the United States.

The City Council.— The city council is the law making department of city government, and is, in some large cities composed of two branches, aldermen and councilmen, elected from the different wards. Many American cities now have councils of one house. City laws are called ordinances.

Departments.—Departments are established for the different classes of city work. Each department has a head and many assistants and employees, the number increasing with the size of the city, sometimes reaching into the thousands. A few of these departments are Finance, Health, Fire, Streets, Parks, Police, and Education. The Department of Education is generally committed to a separate board the members of which are elected for that particular purpose.

Courts.— Every city has a system of courts. They are generally of two kinds; state courts which are a part of the state judiciary acting within the city, and city or police courts. The police courts try offenses against the city ordinances, and other courts try offenses against state laws.

Government of Small Cities.— Large cities differ widely in the matter of organization but the form for smaller ones is much the same in all the states. Most of the officers are elected by the voters of the town. In Kansas this includes both men and women. The governing body consists of a mayor, three or more councilmen, a clerk, a treasurer, a marshal, a street commissioner, and such other officers as may be deemed necessary.

Growth of Cities.— At the time of the adoption of the Constitution only one-thirtieth of all the people lived in cities; at present nearly half of them live in cities of more than 2,500 population and probably nearly two-thirds live in cities and villages. There are at present, in the United States about 1,200 cities with a population of 5,000 or more; 50 of these having a population of more than 100,000. This crowding of people into the cities is the result of changed industrial conditions; the immense increase in the use of machinery and the growth of the factory system. Improved methods of transportation have developed great cities as commercial centers. This astonishing rate of growth has brought with it many problems deserving the most careful and thoughtful consideration.

Some of the Problems of the City.— As a city grows larger and its population more dense, the more difficult becomes the task of governing it.

Preservation of Order.— In the city are to be found so many of the conditions that tend to develop crime that the problem of preserving order is a serious one. This

has led to the establishment, in every large city and in many of the smaller ones, of a force of policemen who patrol the city night and day.

Public Utilities.— This term means such public conveniences as water, gas, electricity, transportation and telephone service. Usually most of these things are supplied by private corporations which have received their franchises from the city government. The protection of the rights of the people in the granting of franchises and in the quality of service rendered by these utility corporations is one of the greatest problems confronting city government.

Municipal Ownership.— In a great many places the water supply is furnished by the city and some cities own their lighting plants; in several cities of Kansas the gas and electric plants are owned by the municipality. The question of just how far municipal ownership should extend is one on which there are wide differences of opinion.

Fixing Responsibility.— City government is chiefly concerned with a mass of details so distributed among the numerous officials as to make it difficult for the voters to hold any officer responsible for any particular condition.

Raising and Expending Money.— The cost of governing a city is greater in proportion to the population than that of any other form of government. The revenues and expenditures of many cities are greater than those of the states in which they are situated. Because city government expends money in such a variety of ways, and because of the difficulty in fixing responsibility, many of the citizens do not watch carefully the uses to which the money is put. This makes difficult the raising and expending of such immense sums of money without fraud.

Progress in City Government.— It has been only within the last forty years that the American people have given

much attention to their city governments, but the remarkable growth of city population made this question more and more complex until the people finally awoke to its importance. Much interest has been aroused in municipal affairs in recent years; a large number of the city charters have been changed and so many lines of authority have been widened that it would be a task simply to name the things that it is now the business of a city government to attend to. The fact that city affairs should be managed on business principles rather than according to political policies is being generally recognized. Many city employees now obtain their positions through civil service examinations instead of receiving them as political favors. Efforts are being made to find better methods of organization of city government.

Commission Government of Cities.— The Commission Form of city government was first devised for Galveston, Texas, in 1901, and has been spreading rapidly over the country since that time. It is more simple than the ordinary plan of organization. It does away with much of the machinery of city government by substituting a commission of three to five members for the usual mayor and council. These commissioners make and enforce the laws and transact all city business. They are elected by the city without regard to ward lines. They choose one of their number as mayor, who, aside from his duties as presiding officer, usually has little more authority than the rest of the commissioners. These are some of the advantages claimed for the commission system:

Under the old system so many officers are elected that it is difficult for any voter to be informed in regard to them. By the new plan there are but three to five which makes a "short ballot."

The old plan gives rise to much ward politics; under this plan every one votes for each commissioner.

The departments of the city work are divided among the commissioners so that each one has certain responsibilities fixed upon him. Of course there are assistants and employees in each department as under the old system, but the commissioners are responsible for their work.

In many cities the elections are not conducted along political party lines, and appointments are made under the system of civil service examinations.

Business can be transacted much more quickly than under the old plan because matters can be attended to directly instead of waiting for council meetings.

The commission form of government has been adopted by thirty-two cities of Kansas (May, 1912). The law of this state provides that it may be adopted by first and second class cities only.

In Kansas, first class cities have five commissioners, and second class cities have three; in first class cities they are elected for two years and in second class cities for three years, one being chosen each year; first class cities have the Initiative, Referendum, Recall, Civil Service Commission, and non-partisan nominations; second class cities the first two, and the last if over 10,000 population.

The Real Remedy for Bad Government.— It is to be hoped that this change in the management of city affairs will be productive of great good, that it is another step in advancement toward the goal of perfect self-government of the people, but in the city as everywhere else the remedy for bad government is honest, vigorous, citizenship. "Neither this nor any other form of organization for cities will solve all of the problems that arise in connection with municipal government. It does not supply intelligence to voters, nor wisdom to officials. It does

not eliminate danger of misgovernment, nor insure against extravagance. The system is only half the solution; the people, voters and officials, are the other half."

QUESTIONS

1. Explain why the three divisions of government, national, state, and local, are necessary.

2. Name the divisions of local government. Explain the purpose of local government. What is the relation between local and state government?

3. Is local government the same in all parts of the United States?

4. Where did the township system develop? Why? Explain township government. What things can be said in its favor?

5. Where did the county system develop? Why? Where are each of the systems now used?

6. Explain the township-county system. Where is it used? Why?

7. Which system is used in Kansas?

8. How many counties in Kansas? How many townships in your county? In what township do you live?

9. What is the use of the township? Name the township offices. Distinguish between civil and congressional townships.

10. Which is more important in Kansas, the county or the township?

11. What is meant by the county seat? Name the county seat of your county.

12. Name the county offices and give the general purpose of each. Name the officers of your county.

13. Discuss the importance of local government.

14. What is meant by municipal government? Why is it necessary? What is a village? a town? a city?

15. Explain the classification of cities of Kansas. Explain how a community can become incorporated as a third class city; as a second class city; as a first class city.

16. Explain the general form of city government. Tell something of the mayor; the city council; the departments of city work; city courts.

17. Explain the government of a small city.

18. Tell something of the growth of city population. What are some of the conditions that have stimulated this growth? Do

you think that its continued increase will be for the best interests of the country? Why?

19. Name and discuss some of the problems of city government.

20. What are "public utilities?" Explain how they form a problem of city government.

21. Are there many problems connected with city government? Has city government in the past received its full share of attention? Discuss cost of city government.

22. What is meant by the commission government of cities? Where did it originate?

23. Compare the old form and the commission form of city government mentioning the following points: wards, politics, number of officers, departments, assistants, initiative, referendum, and recall. Discuss the placing of responsibility.

24. How many commissioners under the Kansas law? Where may commission government be adopted in Kansas?

25. Can any form of government be expected to remedy all evils? Why? What is the foundation of all good government?

FOR SUPPLEMENTARY STUDY.

Ashley, American Government.
Forman, Advanced Civics.
Boynton and Bates, School Civics.
James and Sanford, Government in State and Nation, 1–8, 26–47.
Bryce, The American Commonwealth, 410–435.
Hart, Actual Government, 167–212.
Conkling, City Government in the United States.
Wilcox, A Study of City Government.

The western method of local government (the county-township system) for simplicity, symmetry, flexibility, and administrative efficiency is superior to any other sysem which the Teuton mind has yet produced.—G. E. HOWARD.

The modern city has come to be a huge corporation for carrying on a huge business with many branches.—JOHN FISKE.

CHAPTER XV

STATE GOVERNMENT

Relation of the State to Local Governments.— Local governments receive all of their powers from the state. Townships, counties, and cities are organized under state laws and are really only divisions of government for carrying out state laws. No mention of local governments is made in the National Constitution, so we see that the states established them and are responsible for them and can step in and take local government into their own hands at any time, though in fact they do this only in rare cases of great necessity.

Relation of the State to the Federal Government.— The relation of the Federal Government to the states is very different from the relation of the states to the local governments. The Federal government may not step in and take state affairs in its own hands, as the state may do with the local governments, but the power of the states is their own and cannot be increased or decreased by the Federal Government. The National Constitution gives certain powers to the Nation and others to the states.

No state law can be changed except by the state itself and no state may exercise a power forbidden by the Constitution, but each state is free to regulate in its own way the affairs that concern only its own citizens.

Relation of the States to Each Other.— All states are equal before the Nation's law and are quite independent of each other. Practically, the only obligations to each other are to recognize each other's laws and records as valid, and to give the citizens of every other state the same privileges as it gives its own.

Because the states have so much liberty in the making of their laws, and because of the dissimilarity of the people and the geographical conditions in different sections of the country, it is to be expected that laws on the same subjects would vary widely in different parts of the country. These diversities are not in general form but in matters of detail. But the increased amount of travel and business between the states in recent years has made these differences in state laws often troublesome. For this reason many people believe there should be national laws to regulate such subjects as marriage, divorce, crime, corporations, commerce and other questions of nation-wide interest.

Relation of the State to the Individual.— Nearly all of the relations of people to each other are regulated by state law. For example, laws dealing with elections, labor, taxes, marriage, divorce, contracts, education, crime, and charity are state laws, as are laws in regard to buying, selling, inheriting, and holding property. This makes the relation between the people and their state government very close.

General Form of State Government.— Each of the forty-eight states has framed a government to fit its own needs and ideas, and therefore no two are alike. Nevertheless, several features are common to all of them. Every state

Has a written constitution,
Has three departments of government,
Has a governor and other executive officers,
Has a system of courts,
Supports a school system,
Has a system of taxation,
Provides for local government,
Protects the rights of its people.

KANSAS GOVERNMENT

The Three Departments.— The government of every state is divided into three departments:

The Legislative that makes the laws,

The Executive that enforces the laws,

The Judicial that explains or interprets the laws.

The Legislative Power.— In all of the states this power is vested in a legislature composed of two houses, a smaller one always called a senate and one about three times as large, usually called a house of representatives. The legislature of Kansas meets at Topeka on the second Tuesday of January of every odd year. The members receive three dollars a day for not more than fifty days, and when a special session is called they may be paid for not more than thirty days. They are also paid fifteen cents a mile, going and returning, for attendance at any session. The manner of making laws is much like that in Congress, which will be studied later.

The Senate consists of forty members elected from the forty districts into which the State is divided. It is presided over by the lieutenant-governor. Senators are elected for four years.

The House of Representatives consists of one hundred and twenty-five members elected for a term of two years. The House elects a presiding officer, called the speaker, from among its own members.

All vacancies in either the House or the Senate must be filled by election.

Read Article II, Sections 1–10 of the State Constitution, page 157.

The Executive Department.— The executive department consists of a governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, and

superintendent of public instruction, each elected for a term of two years beginning the second Monday of January following the election.

To these have been added by State law a large number of officers and boards, some elected by the people and some appointed by the governor or by the governor and the senate.

The salary of the governor is $5,000 a year and a residence; of the lieutenant-governor $700 a year and six dollars a day during sessions of the legislature; of the treasurer $3,600; and of each of the others $2,500 a year.

The general purpose of this department is to enforce the laws of the State and the chief duties connected with it are divided among the different officers.

Governor.— The governor is the head of the executive department. Some of his powers and duties are:

To sign or veto bills passed by the legislature.

To call extra sessions of the legislature when necessary.

To communicate to the legislature at the beginning of each session such information as he may possess regarding the condition of the state.

To recommend to the legislature such laws as he believes to be necessary.

To use the pardoning power under certain conditions.

To make appointments and fill vacancies under certain conditions.

To call out the militia to execute the laws, suppress insurrection, and repel invasion.

The Lieutenant-Governor presides over the Senate, voting only in case of a tie. He becomes governor in case of a vacancy in that office.

The Secretary of State has charge of all records and official papers belonging to the State. He publishes and distributes the laws passed by the legislature.

The Auditor keeps all accounts of the State, audits all bills, and makes a report of receipts and expenditures.

The Treasurer receives and pays out the money of the State. All money paid to the State is deposited with him. He makes biennial reports to the Governor.

The Attorney-General is the legal adviser of the State officers and represents the State in court.

The State Superintendent of Public Instruction supervises the public school system of the State. He is *ex-officio* chairman of the State Board of Education.

The State Printer has charge of the State Printing Plant where the supply of blanks, documents, reports, etc., is printed for the State.

The Superintendent of Insurance administers the insurance laws of the State. Any insurance company must secure his permission to transact business within the State.

Several important officers are appointed, among them the following, whose duties are indicated by their names: Fish and Game Warden, Bank Commissioner, Labor Commissioner, Live Stock Commissioner, Oil Inspector, State Librarian.

Read Article I of the State Constitution, page 155.

The Judicial Department.— The State Constitution says: "The judicial power of this state shall be vested in a supreme court, district courts, justices of the peace, and such other courts inferior to the supreme court as may be provided by law."

The Supreme Court.— At the head of the state judicial system is the Supreme Court. Some kinds of cases may originate in this court, but most of the cases have been appealed from lower courts. The Supreme Court consists of a chief justice and six associate justices elected for a term of six years, each receiving a salary of $4,000 a year.

District Courts.— There are thirty-four judicial districts in Kansas, consisting of one or more counties each. Sessions of the district court are held at stated times at the courthouse of each county. District judges are elected for a term of four years at a salary of $3,000, except in Wyandotte county, where the salary is $3,500.

Other courts are city courts, probate courts, and justice courts. Review page 43. Read portions of Article III, State Constitution, page 161.

Interest of the Citizen in the State Government.— There are comparatively few violations of national law; nearly all cases affecting individuals are for violations of State law and are tried in State courts. This makes it clear that every citizen is profoundly and vitally affected by the quality of his State government.

QUESTIONS

1. Discuss the relation of state and local government.

2. Discuss the relation of the state to the national government. Explain the difference between the relation of the state to the local government and the relation of the state to the national government. What would be the result if a state should pass a law forbidden by the Constitution of the United States?

3. Discuss the relation of the states to each other. Is there much variation in laws of different states? Why? Do you know of any state laws that are different from Kansas laws?

4. Discuss the relation of the state to the individual.

5. Give as many as possible of the ways in which all state governments are alike.

6. Name and explain the three departments of state government.

7. In what is the legislative power vested? When does the Kansas Legislature meet? Where? What salary do the members receive? Is there any limit to the length of a session? Is there any limit to salary? Explain.

8. How many members in the Kansas Senate? Length of senatorial term? What officer presides over the Senate? What counties compose your senatorial district? Who is your Senator?

9. How many members in the Kansas House of Representatives? For how long a term are they elected? Who presides over the House? Who is your Representative?

10. How is a vacancy in either house filled?

11. The Executive department consists of what officers? For how long a time are they elected? When does their term begin? How does this compare with the county officers? Give salaries of state officers. What is the purpose of the Executive department? Give the general duties of each officer.

12. What is the purpose of the Judicial department? In what is it vested? For how long a term are Supreme Court justices elected? What salary do they receive?

13. Why is the quality of state government a matter of importance to every individual?

FOR SUPPLEMENTARY STUDY.

Ashley, American Government.
Forman, Advanced Civics.
James and Sanford, Government in State and Nation, 9-25.
Bryce, The American Commonwealth, 287-396.
Hart, Actual Government, 113-163.
Boynton and Bates, School Civics.

States make up the mass, the body, the organic stuff of the government of the country. To them is intrusted our daily welfare. — WOODROW WILSON.

Strictly speaking, the Governor is not the head of the executive department, but a member of it. The executive department is parceled out in several pieces, and his is one of the pieces.—JOHN FISKE.

CONSTITUTION OF THE STATE OF KANSAS

PREAMBLE

We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the State of Kansas, with the following boundaries, to wit: Beginning at a point on the western boundary of the state of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence running west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of north latitude; thence east on said parallel to the western boundary of the state of Missouri; thence south with the western boundary of said state to the place of beginning.

BILL OF RIGHTS.

SECTION 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency.

SEC. 3. The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances.

SEC. 4. The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate.

SEC. 6. There shall be no slavery in this State; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.

SEC. 7. The right to worship God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control of, or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief.

SEC. 8. The right to the writ of *habeas corpus* shall not be suspended, unless the public safety requires it in case of invasion or rebellion.

SEC. 9. All persons shall be bailable by sufficient sureties except for capital offenses, where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

SEC. 10. In all prosecutions, the accused shall be allowed to appear and defend in person, or by counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face, and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense.

SEC. 11. The liberty of the press shall be inviolate: and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such right; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be acquitted.

SEC. 12. No person shall be transported from the State for any offense committed within the same, and no conviction in the State shall work a corruption of blood or forfeiture of estate.

SEC. 13. Treason shall consist only in levying war against the State, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.

SEC. 14. No soldier shall, in time of peace, be quartered in any house without the consent of the occupant, nor in time of war, except as prescribed by law.

SEC. 15. The right of the people to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized.

SEC. 16. No person shall be imprisoned for debt except in cases of fraud.

SEC. 17. No distinction shall ever be made between citizens of the State of Kansas and the citizens of other states and territories of the United States in reference to the purchase, enjoyment or descent of property. The rights of aliens in reference to the purchase, enjoyment or descent of property may be regulated by law.

SEC. 18. All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.

SEC. 19. No hereditary emoluments, honors, or privileges shall ever be granted or conferred by the State.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE I.

EXECUTIVE.

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, attorney-general, and superintendent of public instruction; who shall be chosen by the electors of the State at the time and place of voting for members of the legislature, and shall hold their offices for the term of two years from the second Monday of January, next after their election, and until their successors are elected and qualified.

SEC. 2. Until otherwise provided by law, an abstract of the returns of every election, for the officers named in the foregoing section, shall be sealed up and transmitted by the clerks of the boards of canvassers of the several counties, to the secretary of state, who, with the lieutenant-governor and attorney-general shall constitute a

board of State canvassers, whose duty it shall be to meet at the State capital on the second Tuesday of December, succeeding each election for State officers, and canvass the vote for such officers and proclaim the result; but in case any two or more have an equal and the highest number of votes, the legislature shall by joint ballot choose one of said persons so having an equal and the highest number of votes for said office.

SEC. 3. The supreme executive power of the State shall be vested in a governor, who shall see that the laws are faithfully executed.

SEC. 4. He may require information in writing from the officers of the executive department, upon any subject relating to their respective duties.

SEC. 5. He may, on extraordinary occasions, convene the legislature by proclamation, and shall, at the commencement of every session, communicate in writing such information as he may possess in reference to the condition of the State, and recommend such measures as he may deem expedient.

SEC. 6. In case of disagreement between the two houses in respect to the time of adjournment, he may adjourn the legislature to such time as he may think proper, not beyond its regular meeting.

SEC. 7. The pardoning power shall be vested in the governor, under regulations and restrictions prescribed by law.

SEC. 8. There shall be a seal of the State, which shall be kept by the governor, and used by him officially; and which shall be the great seal of Kansas.

SEC. 9. All commissions shall be issued in the name of the State of Kansas: signed by the governor, countersigned by the secretary of state, and sealed with the great seal.

SEC. 10. No member of congress, or officer of the State, or of the United States, shall hold the office of governor, except as herein provided.

SEC. 11. In case of the death, impeachment, resignation, removal or other disability of the governor, the power and duties of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the president of the senate.

SEC. 12. The lieutenant-governor shall be president of the senate, and shall vote only when the senate is equally divided. The senate shall choose a president *pro tempore*, to preside in case of his absence or impeachment, or when he shall hold the office of governor.

SEC. 13. If the lieutenant-governor, while holding the office of governor, shall be impeached or displaced, or shall resign or die, or otherwise become incapable of performing the duties of the office: the president of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 14. Should either the secretary of state, auditor, treasurer, attorney-general, or superintendent of public instruction, become incapable of performing the duties of his office for any of the causes specified in the thirteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor is elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the unexpired term.

SEC. 15. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

SEC. 16. The officers of the executive department, and of all public State institutions, shall, at least ten days preceding each regular session of the legislature, severally report to the governor, who shall transmit such reports to the legislature.

ARTICLE II.

LEGISLATIVE.

SECTION 1. The legislative power of this State shall be vested in a house of representatives and senate.

SEC. 2. The number of representatives and senators shall be regulated by law, but shall never exceed one hundred and twenty-five representatives and forty senators. From and after the adoption of the amendment the house of representatives shall admit one member for each county, in which at least two hundred and fifty legal votes were cast at the next preceding general election; and each organized county in which less than two hundred legal votes were cast at the next preceding general election shall be attached

to and constitute a part of the representative district of the county lying next adjacent to it on the east.

SEC. 3. The members of the legislature shall receive as compensation for their services the sum of three dollars for each day's actual service at any regular or special session, and fifteen cents for each mile traveled by the usual route in going to and returning from the place of meeting; but such compensation shall not in the aggregate exceed the sum of two hundred and forty dollars for each member as per diem allowance for the first session held under this constitution, nor more than one hundred and fifty dollars for each session thereafter, nor more than ninety dollars for any special session.

SEC. 4. No person shall be a member of the legislature who is not at the time of his election a qualified voter of, and a resident in, the county or district for which he is elected.

SEC. 5. No member of congress or officer of the United States shall be eligible to a seat in the legislature. If any person, after his election to the legislature, be elected to congress or elected or appointed to any office under the United States, his acceptance thereof shall vacate his seat.

SEC. 6. No person convicted of embezzlement or misuse of the public funds shall have a seat in the legislature.

SEC. 7. All State officers, before entering upon their respective duties, shall take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of this State, and faithfully to discharge the duties of their respective offices.

SEC. 8. A majority of each house shall constitute a quorum. Each house shall establish its own rules; and shall be judge of the elections, returns and qualifications of its own members.

SEC. 9. All vacancies occurring in either house shall be filled for the unexpired term by election.

SEC. 10. Each house shall keep and publish a journal of its proceedings. The yeas and nays shall be taken and entered immediately on the journal, upon the final passage of every bill or joint resolution. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted.

SEC. 11. Any member of either house shall have the right to protest against any act or resolution; and such protest shall, without delay or alteration, be entered on the journal.

SEC. 12. Bills may originate in either house, but may be amended or rejected by the other.

SEC. 13. A majority of all the members elected to each house, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

SEC. 14. Every bill and joint resolution passed by the house of representatives and senate, shall, within two days thereafter, be signed by the presiding officers, and presented to the governor; if he approve, he shall sign it; but if not, he shall return it to the house of representatives, which shall enter the objections at large upon its journal and proceed to reconsider the same. If, after such reconsideration, two-thirds of the members elected shall agree to pass the bill or resolution, it shall be sent, with the objections, to the senate, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected, it shall become a law. But in all such cases, the vote shall be taken by yeas and nays, and entered upon the journal of each house. If any bill shall not be returned within three days, (Sundays excepted), after it shall have been presented to the governor, it shall become a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevent its return, in which case it shall not become a law. If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items, while approving the other portion of the bill; in such case he shall append to the bill at the time of signing it, a statement of the item or items to which he objects, and the reasons therefor, and shall transmit such statement, or a copy thereof, to the house of representatives, and any appropriations so objected to shall not take effect unless reconsidered and approved by two thirds of the members elected to each house, and, if so reconsidered and approved, shall take effect and become a part of the bill, in which case the presiding officers of each house shall certify on such bill such fact of reconsideration and approval.

SEC. 15. Every bill shall be read on three separate days in each house, unless in case of emergency. Two-thirds of the house where such bill is pending may, if deemed expedient, suspend the rules; but the reading of the bill by sections, on its final passage, shall in no case be dispensed with.

SEC. 16. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived or amended, unless the new act contain the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed.

SEC. 17. All laws of a general nature shall have a uniform operation throughout the State; and in all cases where a general law can be made applicable, no special law shall be enacted.

SEC. 18. All power to grant divorces is vested in the district courts, subject to regulation by law.

SEC. 19. The legislature shall prescribe the time when its acts shall be in force, and shall provide for the speedy publication of the same; and no law of a general nature shall be in force until the same be published. It shall have the power to provide for the election or appointment of all officers, and the filling of all vacancies not otherwise provided for in this constitution.

SEC. 20. The enacting clause of all laws shall be, "Be it enacted by the legislature of the State of Kansas;" and no law shall be enacted except by bill.

SEC. 21. The legislature may confer upon tribunals transacting the county business of the several counties, such powers of local legislation and administration as it shall deem expedient.

SEC. 22. For any speech or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest — except for felony or breach of the peace — in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

SEC. 23. The legislature, in providing for the formation and regulation of schools, shall make no distinction between the rights of males and females.

SEC. 24. No money shall be drawn from the treasury, except in pursuance of a specific appropriation made by law, and no appropriation shall be for a longer term than two years.

SEC. 25. All sessions of the legislature shall be held at the State capital, and, beginning with the session of eighteen hundred and seventy-seven, all regular sessions shall be held once in two years, commencing on the second Tuesday of January of each alternate year thereafter.

SEC. 26. The legislature shall provide for taking an enumeration of the inhabitants of the State at least once in ten years. The first enumeration shall be taken in A. D. 1865.

SEC. 27. The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall take an oath to do

justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators elected.

SEC. 28. The governor and all other officers under this constitution shall be subject to impeachment for any misdemeanor in office; but judgment in all such cases shall not be extended further than to removal from office and disqualification to hold any office of profit, honor or trust under this constitution; but the party, whether acquitted or convicted, shall be liable to indictment, trial, judgment and punishment, according to law.

SEC. 29. At the general election held in eighteen hundred and seventy-six, and thereafter, members of the house of representatives shall be elected for two years, and members of the senate shall be elected for four years.

ARTICLE III.

JUDICIAL.

SECTION 1. The judicial power of this State shall be vested in a supreme court, district courts, probate courts, justices of the peace, and such other courts, inferior to the supreme court, as may be provided by law; and all courts of record shall have a seal to be used in the authentication of all process.

SEC. 2. The supreme court shall consist of seven justices, who shall be chosen by the electors of the state. They may sit separately in two divisions, with full power in each division to determine the cases assigned to be heard by such division. Three justices shall constitute a quorum in each division, and the concurrence of three shall be necessary to a decision. Such cases only as may be ordered to be heard by the whole court shall be considered by all the justices, and the concurrence of four justices shall be necessary to a decision in cases so heard. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in years of these shall be chief justice, and the presiding justice of each division shall be selected from the judges assigned to that division in like manner. The term of office of the justices shall be six years, except as hereinafter provided. The justices in office at the time this amendment takes effect shall hold their offices for the terms for which they were severally elected, and until their successors are

elected and qualified. As soon as practicable after the second Monday in January, 1901, the governor shall appoint four justices, to hold their offices until the second Monday in January, 1903. At the general election in 1902 there shall be elected five justices, one of whom shall hold his office for two years, one for four years and three for six years. At the general election in 1904 and every six years thereafter, two justices shall be elected. At the general election in 1906 and every six years thereafter, two justices shall be elected. At the general election in 1908 and every six years thereafter, three justices shall be elected.

SEC. 3. The supreme court shall have original jurisdiction in proceedings in *quo warranto*, mandamus, and *habeas corpus;* and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be coextensive with the State.

SEC. 4. There shall be appointed, by the justices of the supreme court, a reporter and clerk of said court, who shall hold their offices two years, and whose duties shall be prescribed by law.

SEC. 5. The State shall be divided into five judicial districts, in each of which there shall be elected, by the electors thereof, a district judge, who shall hold his office for the term of four years. District courts shall be held at such times and places as may be provided by law.

SEC. 6. The district courts shall have such jurisdiction in their respective districts as may be provided by law.

SEC. 7. There shall be elected in each organized county a clerk of the district court, who shall hold his office two years, and whose duties shall be prescribed by law.

SEC. 8. There shall be a probate court in each county, which shall be a court of record, and have such probate jurisdiction and care of estates of deceased persons, minors, and persons of unsound minds as may be prescribed by law: and shall have jurisdiction in cases of *habeas corpus*. This court shall consist of one judge, who shall be elected by the qualified voters of the county, and hold his office two years. He shall hold court at such times and receive for compensation such fees or salary as may be prescribed by law. The legislature may provide for the appointment or selection of a probate judge *pro tem.* when the probate judge is unavoidably absent or otherwise unable or disqualified to sit in any case.

SEC. 9. Two justices of the peace shall be elected in each township, whose term of office shall be two years, and whose powers and duties shall be prescribed by law. The number of justices of the peace may be increased in any township by law.

SEC. 10. All appeals from probate courts and justices of the peace shall be to the district court.

SEC. 11. All the judicial officers provided for by this article shall be elected at the first election under this constitution, and shall reside in their respective townships, counties or districts during their respective terms of office. In case of vacancy in any judicial office, it shall be filled by appointment of the governor until the next regular election that shall occur more than thirty days after such vacancy shall have happened.

SEC. 12. All judicial officers shall hold their offices until their successors shall have qualified.

SEC. 13. The justices of the supreme court and judges of the district court shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office: *Provided*, Such compensation shall not be less than fifteen hundred dollars to each justice or judge, each year, and such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the State, or the United States, during the term of office for which such justices and judges shall be elected, nor practice law in any of the courts in the State during their continuance in office.

SEC. 14. Provision may be made by law for the increase of the number of judicial districts whenever two-thirds of the members of each house shall concur. Such districts shall be formed of compact territory and bounded by county lines, and such increase shall not vacate the office of any judge.

SEC. 15. Justices of the supreme court and judges of the district courts may be removed from office by resolution of both houses, if two-thirds of the members of each house concur. But no such removal shall be made except upon complaint, the substance of which shall be entered upon the journal, nor until the party charged shall have had notice and opportunity to be heard.

SEC. 16. The several justices and judges of the courts of record in this State shall have such jurisdiction at chambers as may be provided by law.

SEC. 17. The style of all process shall be "The State of Kansas," and all prosecutions shall be carried on in the name of the State.

(Section 18 omitted. It provided for a temporary division of the State into judicial districts.)

SEC. 19. New or unorganized counties shall, by law, be attached, for judicial purposes, to the most convenient judicial district.

SEC. 20. Provision shall be made by law for the selection, by the bar, of a *pro tem.* judge of the district court, when the judge is absent or otherwise unable or disqualified to sit in any case.

ARTICLE IV.

ELECTIONS.

SECTION 1. All elections by the people shall be by ballot, and all elections by the legislature shall be *viva voce.*

SEC. 2. General elections and township elections shall be held biennially on the Tuesday succeeding the first Monday in November, in the years bearing even numbers. All county and township officers shall hold their offices for a term of two years and until their successors are qualified: *Provided,* One county commissioner shall be elected from each of three districts, numbered 1, 2 and 3, by the voters of the district, and the legislature shall fix the time of election and the term of office of such commissioners; such election to be at a general election, and no term of office to exceed six years. All officers whose successors would, under the law as it existed at the time of their election, be elected in an odd-numbered year, shall hold office for an additional year and until their successors are qualified. No person shall hold the office of sheriff or county treasurer for more than two consecutive terms.

ARTICLE V.

SUFFRAGE.

SECTION 1. Every [white] male person of twenty-one years and upwards belonging to either of the following classes — who shall have resided in Kansas six months next preceding any election, and in the township or ward, in which he offers to vote, at least thirty days next preceding such election — shall be deemed a qualified elector.

First. Citizens of the United States;

Second. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

SEC. 2. No person under guardianship, *non compos mentis*, or insane; no person convicted of felony, unless restored to civil rights; no person who has been dishonorably discharged from the service of the United States, unless reinstated; no person guilty of defrauding the government of the United States, or of any of the states thereof; no person guilty of giving or receiving a bribe, or offering to give or receive a bribe; and no person who has ever voluntarily borne arms against the government of the United States, or in any manner voluntarily aided or abetted in the attempted overthrow of said government, except all persons who have been honorably discharged from the military service of the United States since the first day of April, A. D. 1861, provided that they have served one year or more therein, shall be qualified to vote or hold office in this State, until such disability shall be removed by a law passed by a vote of two-thirds of all the members of both branches of the legislature.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; and the legislature may make provision for taking the votes of electors who may be absent from their townships or wards, in the volunteer military service of the United States, or the militia service of this State; but nothing herein contained shall be deemed to allow any soldier, seaman or marine in the regular army or navy of the United States the right to vote.

SEC. 4. The legislature shall pass such laws as may be necessary for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 5. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or shall go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 6. Every person who shall have given or offered a bribe to procure his election, shall be disqualified from holding office during the term for which he may have been elected.

SEC. 7. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases except treason, felony, or breach of the peace.

ARTICLE VI.

EDUCATION.

SECTION 1. The State superintendent of public instruction shall have the general supervision of the common school funds and educational interests of the State, and perform such other duties as may be prescribed by law. A superintendent of public instruction shall be elected in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law.

SEC. 2. The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate and university departments.

SEC. 3. The proceeds of all lands that have been, or may be, granted by the United States to the State, for the support of schools, and the five hundred thousand acres of land granted to the new states, under an act of congress distributing the proceeds of public lands among the several states of the union, approved September 4, A. D. 1841, and all estates of persons dying without heir or will, and such per cent, as may be granted by congress on the sale of the lands in this State, shall be the common property of the State, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the legislature may provide, by tax or otherwise, shall be inviolably appropriated to the support of common schools.

SEC. 4. The income of the State school funds shall be disbursed annually, by order of the State superintendent, to the several county treasurers, and thence to the treasurers of the several school districts, in equitable proportion to the number of children and youth resident therein, between the ages of five and twenty-one years: *Provided*, That no school district, in which a common school has not been maintained at least three months in each year, shall be entitled to receive any portion of such funds.

SEC. 5. The school lands shall not be sold unless such sale shall be authorized by a vote of the people at a general election; but, subject to re-valuation every five years, they may be leased for any number of years not exceeding twenty-five, at a rate established by law.

SEC. 6. All money which shall be paid by persons as an equivalent for exemption from military duty; the clear proceeds of estrays, ownership of which shall vest in the taker-up; and the proceeds of fines for any breach of the penal laws, shall be exclusively applied, in the several counties in which the money is paid or fines collected, to the support of common schools.

SEC. 7. Provision shall be made by law for the establishment, at some eligible and central point, of a State university, for the promotion of literature, and the arts and sciences, including a normal and an agricultural department. All funds arising from the sale or rents of lands granted by the United States to the State for the support of a State university, and all other grants, donations or bequests, either by the State or by individuals, for such purpose, shall remain a perpetual fund, to be called the "university fund"; the interest of which shall be appropriated to the support of the State university.

SEC. 8. No religious sect or sects shall ever control any part of the common school or university funds of the State.

SEC. 9. The State superintendent of public instruction, secretary of state and attorney-general shall constitute a board of commissioners, for the management and investment of the school funds. Any two of said commissioners shall be a quorum.

ARTICLE VII.

PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, and deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law. Trustees of such benevolent institutions as may be hereafter created shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken in yeas and nays, and entered upon the journal.

SEC. 2. A penitentiary shall be established, the directors of which shall be appointed or elected, as prescribed by law.

SEC. 3. The governor shall fill any vacancy that may occur in the offices aforesaid, until the next session of the legislature, and until a successor to his appointee shall be confirmed and qualified.

SEC. 4. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants, who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society.

ARTICLE VIII.

MILITIA.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of twenty-one and forty-five years, except such as are exempted by the laws of the United States or of this State; but all citizens of any religious denomination whatever who from scruples of conscience may be averse to bearing arms shall be exempted therefrom upon such conditions as may be prescribed by law.

SEC. 2. The legislature shall provide for organizing, equipping and disciplining the militia in such manner as it shall deem expedient not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed, and commissioned in such manner as may be provided by law.

SEC. 4. The governor shall be commander-in-chief, and shall have power to call out the militia to execute the laws, to suppress insurrection, and to repel invasion.

ARTICLE IX.

COUNTY AND TOWNSHIP ORGANIZATION.

SECTION 1. The legislature shall provide for organizing new counties, locating county seats, and changing county lines; but no county seat shall be changed without the consent of a majority of the electors of the county; nor any county organized, nor the lines of any county changed so as to include an area of less than four hundred and thirty-two square miles.

SEC. 2. The legislature shall provide for such county and township officers as may be necessary.

Sections 3 and 4 were eliminated by amendment in 1904. See article IV, Sec. 2.

SEC. 5. All county and township officers may be removed from office, in such manner and for such cause as shall be prescribed by law.

ARTICLE X.

APPORTIONMENT.

SECTION 1. In the future apportionment of the State, each organized county shall have at least one representative; and each county shall be divided into as many districts as it has representatives.

SEC. 2. It shall be the duty of the first legislature to make an apportionment, based upon the census ordered by the last legislative assembly of the territory; and a new apportionment shall be made in the year 1866, and every five years thereafter, based upon the census of the preceding year.

(Section 3 omitted. It provided a temporary apportionment of the State into districts, for the election of senators and representatives.)

ARTICLE XI.

FINANCE AND TAXATION.

SECTION 1. The legislature shall provide for a uniform and equal rate of assessment and taxation; but all property used exclusively for State, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, and personal property to the amount of at least two hundred dollars for each family, shall be exempted from taxation.

SEC. 2. The legislature shall provide for taxing the notes and bills discounted or purchased, moneys loaned, and other property, effects, or dues of every description, (without deduction) of all banks now existing, or hereafter to be created, and of all bankers; so that all property employed in banking shall always bear a burden of taxation equal to that imposed upon the property of individuals.

SEC. 3. The legislature shall provide, at each regular session, for raising sufficient revenue to defray the current expenses of the State for two years.

SEC. 4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object only such tax shall be applied.

SEC. 5. For the purpose of defraying extraordinary expenses and making public improvements, the State may contract public debts; but such debts shall never, in the aggregate, exceed one million dollars, except as hereinafter provided. Every such debt shall be authorized by law for some purpose specified therein, and the vote of a majority of all the members elected to each house, to be taken by the yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal thereof, when it shall become due; and shall specifically appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished, until the interest and principal of such debt shall have been wholly paid.

SEC. 6. No debt shall be contracted by the State except as herein provided, unless the proposed law for creating such debt shall first be submitted to a direct vote of the electors of the State at some general election; and if such proposed law shall be ratified by a majority of all the votes cast at such general election, then it shall be the duty of the legislature next after such election to enact such law and create such debt, subject to all the provisions and restrictions provided in the preceding sections of this article.

SEC. 7. The State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

SEC. 8. The State shall never be a party in carrying on any works of internal improvement.

ARTICLE XII.

CORPORATIONS.

SECTION 1. The legislature shall pass no special act conferring corporate powers. Corporations may be created under general laws; but all such laws may be amended or repealed.

SEC. 2. Dues from corporations shall be secured by the individual liability of the stockholders to the amount of stock owned

by each stockholder, and such other means as shall be provided by law; but such individual liabilities shall not apply to railroad corporations, nor corporations for religious or charitable purposes.

SEC. 3. The title to all property of religious corporations shall vest in trustees, whose election shall be by the members of such corporations.

SEC. 4. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money, or secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation.

SEC. 5. Provision shall be made by general law for the organization of cities, towns and villages; and their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, shall be so restricted as to prevent the abuse of such power.

SEC. 6. The term corporations, as used in this article, shall include all associations and joint stock companies having powers and privileges not possessed by individuals or partnerships; and all corporations may sue and be sued in their corporate name.

ARTICLE XIII.

BANKS AND CURRENCY.

SECTION 1. No bank shall be established otherwise than under a general banking law.

SEC. 2. All banking laws shall require, as collateral security for the redemption of the circulating notes of any bank, organized under their provisions, a deposit with the auditor of state, of the interest-paying bonds of the several states or of the United States, at the cash rates of the New York stock exchange, to an amount equal to the amount of circulating notes which such bank shall be authorized to issue, and a cash deposit in its vaults of ten per cent. of such amount of circulating notes; and the auditor shall register and countersign no more circulating bills of any bank than the cash value of such bonds when deposited.

SEC. 3. Whenever the bonds pledged as collateral security for the circulation of any bank shall depreciate in value, the auditor of state shall require additional security, or curtail the circulation of such bank, to such extent as will continue the security unimpaired.

SEC. 4. All circulating notes shall be redeemable in the money of the United States. Holders of such notes shall be entitled, in

case of the insolvency of such banks, to preference of payment over all other creditors.

SEC. 5. The State shall not be a stockholder in any banking institution.

SEC. 6. All banks shall be required to keep offices and officers for the issue and redemption of their circulation, at a convenient place within the State, to be named on the circulating notes issued by such bank.

SEC. 7. No banking institution shall issue circulating notes of a less denomination than one dollar.

SEC. 8. No banking law shall be in force until the same shall have been submitted to a vote of the electors of the State at some general election, and approved by a majority of all the votes cast at such election.

SEC. 9. Any banking law may be amended or repealed.

ARTICLE XIV.

AMENDMENTS.

SECTION 1. Propositions for the amendment of this constitution may be made by either branch of the legislature; and if two-thirds of all the members elected to each house shall concur therein, such proposed amendments, together with the yeas and nays, shall be entered on the journal; and the secretary of state shall cause the same to be published in at least one newspaper in each county of the State where a newspaper is published, for three months preceding the next election for representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting on said amendments, at said election, shall adopt the amendments, the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately; and not more than three propositions to amend shall be submitted at the same election.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise, amend or change this constitution, they shall recommend to the electors to vote at the next election of members to the legislature, for or against a convention; and if a majority of all the

electors voting at such election shall have voted for a convention, the legislature shall, at the next session, provide for calling the same.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. All officers whose election or appointment is not otherwise provided for, shall be chosen or appointed as may be prescribed by law.

SEC. 2. The tenure of any office not herein provided for may be declared by law; when not so declared, such office shall be held during the pleasure of the authority making the appointment, but the legislature shall not create any office the tenure of which shall be longer than four years.

SEC. 3. Lotteries and the sale of lottery tickets are forever prohibited.

SEC. 4. All public printing shall be done by the state printer, who shall be elected by the people at the election held for state officers in November, 1906, and every two years thereafter, at the elections held for state officers, and shall hold his office for two years and until his successor shall be elected and qualified.

SEC. 5. An accurate and detailed statement of the receipts and expenditures of the public moneys, and the several amounts paid, to whom, and on what account, shall be published, as prescribed by law.

SEC. 6. The legislature shall provide for the protection of the rights of women, in acquiring and possessing property, real, personal and mixed, separate and apart from the husband; and shall also provide for their equal rights in the possession of their children.

SEC. 7. The legislature may reduce the salaries of officers who shall neglect the performance of any legal duty.

SEC. 8. The temporary seat of government is hereby located at the city of Topeka, county of Shawnee. The first legislature under this constitution shall provide by law for submitting the question of the permanent location of the capital to a popular vote, and a majority of all the votes cast at some general election shall be necessary for such location.

SEC. 9. A homestead to the extent of one hundred and sixty acres of farming land, or of one acre within the limits of an incorporated town or city, occupied as a residence by the family of the

owner, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon. *Provided;* The provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife.

SEC. 10. The manufacture and sale of intoxicating liquors shall be forever prohibited in this State, except for medical, scientific and mechanical purposes.

NATIONAL GOVERNMENT

Every free government is necessarily complicated, because all such governments establish restraints, as well on the power of government itself as on that of individuals. If we will abolish the distinction of branches, and have but one branch; if we will abolish jury trials, and leave all to the judge; and if we place the executive power in the same hands, we may readily simplify government. We may easily bring it to the simplest of all possible forms, a pure despotism. But a separation of departments, so far as practicable, and the preservation of clear lines of division between them, is the fundamental idea in the creation of all our constitutions; and, doubtless, the continuance of regulated liberty depends on maintaining these boundaries.—DANIEL WEBSTER.

NATIONAL GOVERNMENT

CHAPTER XVI

DEVELOPMENT OF NATIONAL GOVERNMENT

Attitude of the Colonists Toward Government.— The American colonists had become so dissatisfied with the rule of the English King and Parliament, that they feared and dreaded a strong central government. Their pride and their hopes lay in their own local governments, and it was difficult for sentiment favorable to union to make any headway. It was necessity that led them every step of the way to national government.

Steps Toward Union.— The several unions among the colonies were steps in a steadily progressive movement towards a common government, although they were not recognized by the colonists as such.

The New England Confederation in 1643 was a union of *four* colonies that found it necessary to band together against the Dutch and the Indians. It was not a union for government, but merely for the purpose of arranging for supplies of men and money for protection.

In the Albany Convention in 1754, *seven* colonies drew up a plan of union for protection against the French and the Indians, but it was not accepted by either the colonies or the English government.

The Stamp Act Congress in 1765 was a gathering from *nine* colonies to protest against the oppressive acts of England. There was a strong sense of mutual wrongs and mutual resistance in this Congress. It was really the beginning of political union in America.

The First Continental Congress in 1774 was composed of delegates from *twelve* colonies. They met for the purpose of making a declaration of rights, and they resolved that the colonies ought to support Massachusetts in her resistance of Parliament. The feeling of union had by this time grown strong and aggressive.

The Second Continental Congress in 1775 was a gathering of delegates from all of the *thirteen* colonies. It remained in session for six years and furnished the only central government of the colonies during the war.

In looking back over these five events we may see the growth in the idea of union. Notice the increased number of colonies, the greater scope of the business, and the stronger sentiment of mutual effort, in each succeeding meeting.

The chief point to be remembered is that the colonists learned slowly but surely that a central government was a necessity.

Government During the Revolution.— The spirit of union was now so thoroughly aroused that the Second Continental Congress, without any authority except that voluntarily given it by the colonies, carried on the work of government during the war. It attended to foreign affairs, it issued money, it declared the independence of the colonies, it assumed command of the army, and in none of these things was its right questioned.

The Articles of Confederation.— So fully had the colonies realized that they must have a permanent, central government that in 1777 the Congress adopted the Articles of Confederation. The government was to become binding when ratified by all of the colonies. This was not accomplished until 1781.

The Form of Government.— This union was to be a "firm league of friendship" with each state retaining its

own freedom and independence. The only department of government was a congress of one house.

Defects of the Articles.— The colonists had learned the value of union but they had not yet learned that there must be authority in the central government. The new government was practically the same as that of the Second Continental Congress, but when the war was over the urgent necessity for obedience to Congress was gone, and since there was no executive department there was no way in which Congress could enforce its laws. Congress could ask for money but it could not compel the states to pay their portions; it could not regulate commerce; it could not remedy these conditions because no amendment could be adopted except by a unanimous vote of the states. In short, the whole trouble with the government under the Articles of Confederation, was that, "It could declare everything, but could do nothing." In every way the Union was sacrificed to the states. America was not a nation but thirteen little independent governments.

The result was deplorable; treaties were violated, courts were broken up by mobs, the states quarreled with each other, no money could be raised and debts remained unpaid. Altogether it soon became evident that something must be done.

The Constitutional Convention.— Through the efforts of some of the far-sighted leaders, Washington, Hamilton, Franklin, Madison, and others, a convention was called to meet at Philadelphia in May, 1787, for the purpose of revising the Articles of Confederation. All of the states except Rhode Island were represented most of the time during the four months that the Convention was in session. Among the members were some of the wisest and ablest men in the states. They soon found that the

Articles could not be revised but that there must be an entirely new constitution. So they elected Washington chairman, and set to work behind closed doors.

The Difficulties to be Met.— In view of all the difficulties to be met, the framing of the Constitution was a tremendous undertaking. The delegates represented a number of jealous and independent states that did not want to give up any of their freedom. There were difficulties to be adjusted between the large and the small states, the slave and the free states, and to meet these various needs many compromises were necessary. Most of the important provisions of the Constitution were borrowed from the state constitutions, so there was little in it that was really new or original. The Constitution was the result of careful selection, much wisdom and practical sagacity, and the fact that under it has grown up one of the greatest nations of the earth, is a tribute to the good judgment of the men who framed it.

Ratification.— The Constitution was completed, and submitted to the people in September of 1787. It met with strong opposition chiefly because many of the people objected to giving so much power to the central government. Naturally there was much argument and debate on the subject but the friends of the Constitution triumphed. The ratification of nine states was necessary to establish a government under the Constitution. With the ratification of the ninth state, steps were taken to put the government into operation and on April 30, 1789, a little more than a year and a half after the convention had completed its work, Washington was inaugurated President of the new nation. By this time eleven states had ratified, and in a little more than a year North Carolina and Rhode Island had ratified, and the Union was complete.

The New Government.— The Confederation had failed, chiefly because the states were superior to a central government which had no strength, power, or authority. The men who framed the Constitution knew this so well that they were exceedingly careful in dividing powers between the states and the Nation. The plan that was followed in distributing state and national powers was very simple. All powers relating to matters that affect the welfare of the whole Nation, such as relations with other countries, coining money, declaring war, establishing a postal system, were given to the National Government. Think of the results if each state were to do these things for itself. On the other hand, to the states were given the power to regulate all matters that are of interest to that particular part of the country. (Page 146.)

The Preamble.— The opening sentence of the Constitution is called the preamble, and it is, in itself, an explanation of the difference between the old government and the new one. The Confederation was a league of the states, but the Constitution begins with the words "We, the people." All through the study of local and state governments, we have seen that the people are the source of power, and now we have traced it back to its beginning in the opening words of the instrument that is the foundation of all our government, the Constitution of the United States.

The Preamble follows:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Notice that it is composed of three parts:

1. Who acts? We, the people.
2. For what purpose?

To form a more perfect union,
Establish justice,
Insure domestic tranquillity,
Provide for the common defense,
Promote the general welfare,
Secure the blessings of liberty to ourselves and our posterity.

3. What is the act? Do ordain and establish this Constitution for the United States of America.

Three Departments of National Government.— Under the Articles of Confederation, the whole government consisted of a congress of one house, but the men who framed the Constitution, separated the work of government into three departments.

1. The Legislative Department makes the laws. It consists of a Congress of two houses.

2. The Executive Department enforces the laws. This power is "vested in a President."

3. The Judicial Department explains or interprets the laws whenever any question arises as to their exact meaning, and applies them to cases under consideration. This department consists of the courts.

It will be remembered that this same separation of power exists in the state governments. It is one of the fundamental principles of our republic. Read carefully the quotation from Webster, page 176.

The study of the National Government will be, largely, a study of its three departments, their powers, duties, and limitations. The legislative department will be considered first.

QUESTIONS

1. Compare the attitude of the colonists toward their local governments, and toward a central government. Then why was a central government ever established?

2. Name the steps toward union. How many unions were there? Give the purpose of each. Show that each included a larger number of colonies than the preceding one. What can you say about the feeling of the colonists toward union by 1775?

3. Show why a union of the colonies was necessary during the revolution. How were the colonies governed during the war? How did the governing body get its authority? Name some of the things it did.

4. What were the Articles of Confederation? When adopted by Congress? How many of the Colonies must ratify in order to make them binding? How long did this ratification require?

5. Explain the form of government under the Articles of Confederation. How many departments of government? Explain the weakness of this government. Why was it not as satisfactory as the government of the Continental Congress during the war? What was the general effect of this government on the colonies?

6. Give an account of the Constitutional Convention mentioning leaders, date, purposes, colonies represented, and work.

7. What were some of the difficulties that had to be met in making a new constitution? Was the Constitution modeled after that of any other country? Explain. Explain the necessity of compromise among the members of the convention.

8. How long did it take the convention to complete the Constitution?

9. Ratification by how many states was necessary? Was there any difficulty in getting the states to ratify? Why? Name the last states to ratify?

10. Explain how powers were divided between the states and the national government.

11. What is the preamble? How does it show the difference between the government under the Articles of Confederation and under the Constitution? Quote the preamble. Explain its three parts.

12. Name and explain the three departments of government provided by the Constitution. Compare with the Articles of Confederation.

13. What does Webster say of this division into three departments?

THE LEGISLATIVE DEPARTMENT

CHAPTER XVII

THE TWO HOUSES OF CONGRESS

ARTICLE I

SECTION I. *All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.*

The Legislatures of most English speaking countries have consisted of two houses. The great argument in favor of this arrangement is that one will check and balance the other, and matters coming before them will receive more thorough consideration than if there were but one house. Our Congress consists of a Senate to represent the states, and a House of Representatives to represent the people. They are often called the upper and lower houses.

SECTION II—1. *The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.*

The Constitution, with the exception of the fifteenth amendment, leaves to the states the right to decide on the qualifications of their own voters (page 111), but says that anyone who is a voter in any state may also vote for a representative in Congress. To make them more dependent on the will of the people representatives are elected for a term of only two years.

SECTION II—2. *No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.*

Each state divides itself into as many districts as the number of representatives to which it is entitled. Each of these is called a *congressional district.* Kansas has eight such districts.

The Constitution does not say that a representative must be a resident of the congressional district from which he is elected, but the people almost always choose a man from their own district.

SECTION II—3. *Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight;, Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.*

"Three-fifths of all other persons" meant the slaves, but since the Civil War this clause has been void.

The Constitution stated the number of representatives to be allowed each state until such time as the first census should be taken, which must be done within three years of the first meeting of Congress. The enumeration was made in 1790, and again every ten years since that time. This enumeration is called the census.

The first Congress consisted of sixty-five members, and after the first apportionment there were 105 members, one for each 33,000 of population. The apportionment following the census of 1900 provided for 391 members, one for every 194,182 of the population. Under the next apportionment which goes into effect on the third day of March, 1913, there will be 435 members. Kansas will still have eight members.

Alaska, Hawaii, Philippines, and Porto Rico have territorial delegates or agents. These delegates may speak on matters concerning their own territories, but may not vote.

SECTION II—4. *When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.*

When a vacancy occurs in the representation from any state, the governor calls a special election in that district, to choose a representative to fill the vacancy during the unexpired term.

SECTION II—5. *The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.*

The House elects its own officers. They are a Speaker, who is a member of the House and presides over its sessions, and a clerk, a sergeant-at-arms, a chaplain, a postmaster, a librarian, a doorkeeper, and their assistants, none of whom are members.

SECTION III—1. *The Senate of the United States shall be composed of two Senators from each State, chosen by the*

legislature thereof, for six years; and each Senator shall have one vote.

The Senate is a much smaller body than the House of Representatives, there being only two members from each state. There are now forty-eight states and the Senate is composed of ninety-six members.

Since the senators represent the states they are chosen by the legislatures of the states, and are, as a rule, always of that political party which has a majority in the legislature. Sometimes, however, the majority can not agree and days and days will be occupied with the election of a senator, thus interfering with the regular legislative business. Because of this, and because of a widespread feeling that the legislatures do not always express the wishes of the people in their choice of senators, there has been, for a number of years, a growing demand for the election of senators by popular vote.

Finally, several of the states, including Kansas, passed laws providing that the people may express their preference for United States senators at the primary election.

Kansas, however, was not satisfied with this measure, and, in 1911, further provided that candidates for the Legislature print one of two statements on their nomination petitions. The statements provide in substance that:

(1) He will vote for the candidate for the United States Senate who receives the majority of the people's votes at the primary election. Or, —

(2) He will follow his own choice in voting for a United States senator.

This is called the Senatorial Pledge, and practically means the popular election of senators in Kansas. This system originated in Oregon.

A resolution providing for popular election of senators

has been passed by both houses of Congress (May, 1912) and is now before the states for ratification. It is being offered as the Seventeenth Amendment to the Constitution.

SECTION III—2. *Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.*

The division of the members of the first senate into three classes, was made so that at any election not more than one-third of the senators may be new members. In this way a majority of them are always men of experience in the work and the Senate is a permanent body. It was thought that this would make the Senate more wise and careful; less liable to be hasty in its actions, or to be carried away by new and untried schemes. This is one of the means by which the Senate is clothed with more dignity than the House, for there is nothing in the Constitution to prevent the House from being made up entirely of new members after each election. As a matter of fact, however, there is always a number of representatives who have been reëlected several times, a circumstance which really makes the House a continuous body also.

SECTION III—3. *No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.*

It will be noted that the qualifications of a senator are higher than those of a representative.

SECTION III—4. *The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.*

The Vice-President of the United States presides over the Senate, but not being a member he cannot take part in the debates nor can he vote except in case of a tie. Unlike the Speaker of the House, he has no direct power over legislation.

SECTION III—5. *The Senate shall choose their other officers and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.*

The Senate elects a president *pro tempore* from among its own members, to preside in the absence of the Vice-President, or in case he should become President. The president *pro tempore* is a senator and therefore votes as any other member. The other officers of the Senate are about the same as those of the House and none of them are members.

SECTION III—6. *The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.*

An impeachment means a charge or an accusation of misbehavior against a public officer. The House of Representatives has the sole power to impeach, and the Senate the sole power to try impeachments. When the House impeaches an officer and the matter is brought before the Senate, the Senators take a special oath for the occasion, and then try the case in much the same manner

as it would be tried in a court. In order to be more certain of not doing an innocent person an injustice, a two-thirds vote is necessary to convict.

The Vice-President presides in all cases except when the President is being tried. If the President were removed the Vice-President would succeed to the office and for that reason he might be tempted to be unfair. Only one President, Andrew Johnson, has ever been impeached, but he was acquitted by the Senate. There have been only six other cases of impeachment. (May, 1912).

SECTION III—7. *Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.*

Sentence in case of impeachment means removal from office and possibly disqualification to hold any other office under the United States, but if the offense committed is one punishable by law the offender may afterwards be tried and punished in a court the same as any private citizen.

SECTION IV—1. *The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.*

Congress has designated the first Tuesday after the first Monday in November as the date for the election of representatives. Kansas selected the same date for the election of state and county officers.

SECTION IV—2. *The Congress shall assemble at least once in every year, and such meetings shall be on the first Monday in December, unless they shall by law appoint a different day.*

Congress must have at least one session a year beginning on the first Monday in December. The session following election cannot hold longer than until the following fourth of March when the new members take their office. This is called the short session. The next session may continue a whole year if desired, closing only in time to begin again the following December. However, it usually closes about July. It is called the long session. An extra session of Congress called a "special session" may be called by the President, whenever he deems it advisable.

Since all representatives and one-third of the senators are elected each two years, this period is called a *congress*, and is referred to by numbers. Each congress includes all of the sessions, regular and special, from March 4th in one odd year, to March 4th in the next odd year. The Congress that convened in December, 1911, was the first regular session or the long session of the sixty-second Congress.

SECTION V—1. *Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each house may provide.*

There is often a contest between opposing candidates as to which is legally elected to a seat in Congress. There must be an authority to settle such disputed cases and it was thought best to leave this matter to each house.

A Quorum means a sufficient number to transact business, and in each house this number is a majority of all the members of that house. If no provision had been made it might easily happen that day after day would be lost because fewer than a majority were present, or a number

of members could purposely absent themselves and prevent legislation. For these reasons fewer than a majority can compel the attendance of absent members. This is done by sending the sergeant-at-arms to bring in members who have not a sufficient excuse for their absence.

SECTION V—2. *Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.*

It is usual for any assembly to have the right to make its own rules and also the right to punish those who disregard them. In Congress punishment for disorderly conduct is rare, and even for very serious offenses is only a reprimand. Expulsion occurs but seldom.

SECTION V—3. *Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.*

Congress transacts business for the people, and if the people are to know whether it is done satisfactorily, they must keep themselves informed on the work of Congress. Publicity is provided for by the journal which is published from time to time, and by the Congressional Record, which is published daily.

While these means of information are provided by the Government, the usual way in which people learn of the proceedings of Congress is by reading the newspapers. Every effort should be made to secure papers that are fair and that consider both sides of questions. Too many of the newspapers are prejudiced in their views. They are partisan; that is, their opinions on public questions are not based on good judgment but on loyalty to their political parties.

Whenever one-fifth of the members present in either House desire it, a record must be made of the votes of the members on any question. The object of this is to show the people how each member stands on this particular question, and it also shows what members are absent. This is very important, because sometimes members absent themselves, to avoid the responsibility of voting.

SECTION V—4. *Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that in which the two Houses shall be sitting.*

SECTION VI—1. *The Senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.*

In England members of Parliament serve without pay, but the Constitutional Convention decided that a salary should be given our Congressman so that it would not be impossible for a poor man to serve in this capacity.

The amount is to be ascertained by law, and since Congress makes the laws, that means that Congress determines the salaries of its own members. At first the amount allowed was six dollars a day and thirty cents mileage. It has been increased a number of times until it is now $7500 a year with twenty cents mileage, and $125 a year for stationery.

The "franking privilege" gives them the right to send official matter through the mails without payment of postage.

Freedom from arrest except for crime, was provided in

order that people might not be deprived of the services of their congressmen. Were it not for this provision, political enemies might cause the arrest of members at times when their absence would be of benefit to the opposing party, by giving it opportunity to pass certain laws in its own interests.

The clause, "they shall not be questioned in any other place," means that they shall not be held responsible out of Congress for words spoken in Congress. This was done in order to encourage freedom in debate.

SECTION VI—2. *No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.*

If a new office is created, or the salary attached to any existing office is raised, no person who is a member of either House at the time that this is done, may, during the time for which he was elected, be appointed to such office. This was provided to prevent selfish motives in creating offices or increasing salaries.

This clause was recently applied in the case of Mr. Knox who was appointed Secretary of State by President Taft. He could not be paid the regular salary of $12,000 because he was a member of Congress when the salary of cabinet officers was raised. The former salary of $8000 was all he could be given.

OUTLINE OF THE SENATE AND THE HOUSE

	Senators	Representatives
Minimum Age	Thirty Years	Twenty-five Years
Minimum Citizenship	Nine Years	Seven Years.
Apportionment	Two from each State	By population.
Present Number	96	(1912, 393, (1913) 435
Elected by	State Legislature	Voters.
Term of Office	Six Years	Two Years.
Vacancy filled	By Legislature, or temporarily by Governor.	New Election.
Salary	$7,500	$7,500
Impeachment	To try impeachment	To impeach.
Presiding officer	Vice President	Speaker.

QUESTIONS

1. Quote Section I, Article I of the Constitution. Why were two houses provided? Give the names of the houses.

2. For how long a term are representatives chosen? Who may vote for representatives? Give the three qualifications of a representative.

3. What is a Congressional district? How many such districts in Kansas? In which district do you live? Who is your representative in Congress?

4. What is meant by the "census?" How often is it taken? When was the first one? The last one? How many members in the first Congress? How many members now? Give the date of the apportionment based on the latest census. Was the Kansas apportionment changed?

5. What is a territorial delegate? What powers has he? What territories have such delegates at present?

6. How is a vacancy in the House of Representatives filled? What is meant by the "executive authority?"

7. Name the officers of the House. How do they get their positions? How many of them are members?

8. How many senators from each state? What is the total number of senators at present? How are senators chosen? Why? Is there any objection to this method of election? Why? Discuss

the demand for election of senators by popular vote. What has Kansas done to secure such election? What is the proposed Seventeenth Amendment?

9. Explain why the Senate may not be composed wholly of new members. Why was this done? Is there any such provision for the House? Is the House often composed entirely of new members?

10. Give the three qualifications of a senator. Compare them with those of a representative.

11. Who presides over the Senate? Compare his powers with those of the Speaker of the House. Who would preside over the Senate in case the Vice President is absent or in case he becomes President? Is there any difference between the powers of the Vice President and the President *pro tempore*? Name the other officers of the Senate. Compare with those of the House.

12. What is an "impeachment?" Explain the difference between the powers of the House and the Senate regarding impeachment. Discuss punishment for impeachment.

13. On what date are national representatives elected? Is this the same date as the regular election in Kansas?

14. How often is there a session of Congress? When does it meet? Explain the long and short sessions. Which session comes this year? What is a "special" session? By whom called? What is meant by a "congress?"

15. If two men claim to have been elected to the same seat in Congress how would the question be settled?

16. What is a quorum? What can be done when there are not enough members present to make a quorum?

17. How may the people learn what is being done in Congress? Should they keep informed? Why? Discuss the reading of the newspapers. Discuss the recording of votes.

18. Discuss the pay received by congressmen. How is it determined? What is the "franking" privilege?

19. Discuss the relation of congressmen to offices which they create or of which they increase the salaries.

CHAPTER XVIII

THE METHOD OF PASSING LAWS

ARTICLE I

SECTION VII—1. *All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.*

All bills by which money is raised for the Government, either by direct or indirect taxation, must originate in the House of Representatives and never in the Senate. As the people pay the taxes, it was considered just that the house which more directly represents them should be made the one to propose such laws. As a matter of fact, the Senate usually amends appropriation bills and in this way exercises considerable authority in matters of revenue.

In Parliament, the bills for raising revenue originate in the House of Commons.

SECTION VII—2. *Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be*

determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

SECTION VII—3. *Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.*

Passing a Law.— All other than revenue bills may originate in either house. Any member may introduce a bill. The laws are made in a uniform manner and we may get an idea of the process by following the general course of a single bill introduced by a representative.

The Introduction of a bill means that the member gets the recognition of the chair, states that his purpose is to introduce a bill of which he reads the title, then sends it to the Speaker's desk by a messenger called a page.

The Speaker decides to which committee it shall be sent.

The Committee then proceeds at its convenience to consider the bill, and if favorable it reports its decision to the House.

The Printing of the bill is the next step and a copy is given to each member.

First and Second Readings.— The Clerk then reads the bill to the House, twice, by title only, on separate days, or

if the House wishes, on the same day. If a single member objects, however, the reading must be on separate days.

Debate and Amendment follow the second reading, if the House so desires.

The Third Reading, which is in full, may be on the same day as the others if no member objects.

Voting.— After the third reading, the question is voted upon. If the bill passes the House the Clerk then takes it to the Senate.

In the Senate it follows nearly the same course as in the House. If it passes the Senate it is then taken to the President who may either sign it or veto it. But if it is amended by the Senate it must be sent back to the House.

The House then debates the amendments, and if it adopts them, the bill, as amended and passed by both houses, is sent to the President. If the House does not accept the amended bill it is often sent to a "conference committee" made up of members from each house and an agreement is thus often reached.

The President, if he approves it, signs it, and the bill becomes a law. But if the President does not approve the bill, he returns it to the House where it originated, with a message stating his reasons for not signing it. This act is called a *veto*.

The House may now reconsider the bill and if two-thirds of the members vote for its passage it is sent to the Senate. If the Senate also passes it by a two-thirds vote it becomes a law. The President's veto causes a bill to be reconsidered and is for this reason a check on hasty legislation.

Return of Bill Within Ten Days.— If the President does not return a bill within ten days, Sundays excepted, after it is presented to him, it becomes a law without his signature, unless Congress in the meantime adjourns, and thus prevents its return. In such a case it does not become a law.

The President may cause a bill to fail of passage by neither signing nor vetoing it during the last ten days of a session, because at the end of the session all legislation that is not complete dies. This has been called the *pocket-veto*.

Summary.— The three ways in which a bill may become a law, may be stated briefly as follows:

1. It receives a majority of votes in both houses and is signed by the President.

2. It receives a majority of votes in both houses, is vetoed by the President and is repassed by two-thirds of both houses.

3. It receives a majority of votes in both houses and is not signed or returned by the President within ten days, Sundays excepted, unless Congress adjourns within the ten days.

Government by Committees.— The real work of legislation is done in committees. It has been found impossible for Congress to accomplish the enormous amount of work necessary to be done without some subdivision of labor, and so the committee system was established and has grown until now it is as a committeeman that a member does most of his effective work. Hundreds of bills are referred to a single committee during a session, and the important committees on Commerce, Public Lands, Manufactures, Pensions, War, Navy, Rivers and Harbors, Foreign Affairs, and the House Committee on Ways and Means, spend a great deal of time and work on their bills.

The committees are given almost unlimited power over the bills that are referred to them. They may listen to the author of a bill on its merits, or to the arguments of citizens, or examine the subject in their own way; they may report back favorably or unfavorably, or with amendments, or substitute new bills, or pay no attention to them whatever.

In both houses the committees exercise great power over the course of legislation, and the fate of any bill depends almost entirely on the committee to which it is referred.

Debate in both houses is chiefly discussion of the reports of committees and has very little effect on the fate of any measure. Usually many of the members are in the committee rooms and the others are busy at their desks and as a rule but little attention is paid to any speaker. This is especially true in the House. Most of the speeches are made to be printed so they may be read by the Congressman's constituents at home. In late years a custom has grown up of having speeches that were never delivered at all written out and printed.

The Speaker.— The Vice-President and the "president *pro tempore*" of the Senate have no special power through their office but simply preside over the Senate. But the Speaker of the House has come to be second in political power and dignity only to the President of the United States. He is chosen from among the members of the House and votes as any other member. He is always elected from the political party which has a majority in the House. He is generally recognized as a party leader and his power has grown remarkably great, but very recently some of his privileges have been taken from him. Among the privileges which he has possessed, the following are the most important:

(1) To appoint all committees. Since the committee work is so important and the members are all eager for these appointments, the man who makes them wields a great deal of power, for by his selection of men on any particular committee, he can often determine the fate of an important bill referred to that committee. In the 62nd Congress, however, the committees were chosen by the House.

(2) To assign the bills to the different committees. This gives him the opportunity to select for any particular bill the committee most in sympathy with his own views.

(3) To decide what member is entitled to the floor. No motion can be introduced, no bill reported, no speech made, by any member, unless he is recognized by the Chair, and through this power of the Speaker it has become necessary for any member who wishes recognition for any purpose, to make such arrangements with the Speaker beforehand.

(4) To state and put questions, and to decide points of order.

At one time, he not only appointed all legislative committees, but he appointed the Committee on Rules, of which he was chairman, and which controls legislation by arranging the daily routine of business in the House. From time to time there had been outbreaks of rebellion against the power of the Speaker, and finally on March 19, 1910, the rebellious members, known as Insurgents, succeeded in passing the following resolution:

"There shall be a Committee on Rules, elected by the House, consisting of ten members, six of whom shall be members of the majority party, and four of whom shall be members of the minority party. The Speaker shall not be a member of the committee, and the committee shall elect its own chairman from its own members."

This has taken from the Speaker much of his former power.

Voting.— There are different methods of voting. Following one method, the Speaker puts the question to the House, by asking all those in favor of the bill to say "*Aye*," and afterward all those opposed, to say "*No.*" Then he decides by sound which side receives the most

votes. But unless there is a very decided difference between the two sides this is an uncertain method.

Another, is the rising vote by which each side stands and is counted.

If on any vote, one-fifth of the members desire it, the roll must be called and the *yeas* and *nays* recorded. This is a wholesome provision since it causes congressmen to consider very carefully how they cast a vote that is to be recorded and published. On the other hand, it is often used by a minority to postpone consideration of some bill which they wish to defeat. Used in this way it is a source of loss, for much time is consumed in calling the roll of the House with its membership of over four hundred.

Lobbying.— As the public is not admitted to the floor of either house, but only to the galleries, whenever any person wishes to speak to a member he must send a request to that member to come out into the halls, or lobbies, as they are called. Many of these interviews are for the purpose of influencing the votes of the members. It is right and honorable for people to give the legislators the benefit of their knowledge on the subject matter of any bill, but so frequently has this privilege been abused by those who have used money, or other dishonorable means to influence the law-makers, that the word "lobby" has come to be often used in a bad sense.

Log-Rolling.— Whenever a member votes for another member's pet measure, in order to get that member to vote for his especial bill, the arrangement is called "log-rolling." It is a process that does not tend to produce the best legislation. Both lobbying and log-rolling are large factors in shaping the work of Congress.

The President and Legislation.— There are many ways in which the President may influence legislation. He is

usually a recognized party leader and is constantly giving his views on public questions, and urging the passage or defeat of certain measures. Nearly every President has strong friends in both Houses, who are ready to follow his suggestions, defend his measures, and urge his bills and amendments. His power of patronage, that is, his power to appoint a great many officers over the country, gives him considerable influence because the congressmen are deeply interested in the appointments within their own districts. Fear of the President's veto frequently causes the modification of bills to meet his objections, for the passage of a bill over his veto occurs but seldom.

Altogether, the influence of the President in legislative matters is generally recognized to be of great importance.

QUESTIONS

1. What is meant by "bills for raising revenue?" Where must they originate? Why?

2. Give the steps in the passage of a bill. Explain each. What is meant by the President's *veto*? What is its purpose? How long a time is given the President to pass upon a bill? What is the result if he does not return it during this time? What is a *pocket-veto*?

3. Summarize the three ways in which a bill may become a law.

4. Explain the necessity for committee work in Congress. Name some important committees. Discuss the power of the committees over bills referred to them.

5. Discuss the purpose and importance of debate in Congress.

6. Compare the power of the presiding officers of the two houses. Discuss the power of the Speaker. Is it now greater or less than a few years ago? Who is the present Speaker? To which political party does he belong?

7. Discuss methods of voting. Discuss the recording of votes.

8. What is meant by lobbying? Explain its good and bad features.

9. Explain the meaning of log-rolling.

10. Discuss the influence of the President over legislation.

CHAPTER XIX

THE POWERS OF CONGRESS

ARTICLE I

The preceding sections deal with the nature of the two houses of Congress, and their separate powers. We have now come to the section that enumerates the general powers of Congress; that gives in its eighteen clauses a definite statement of the scope of Congressional authority. Turn to the Constitution, page 279, and read Section VIII. All of the clauses depend upon the statement, "The Congress shall have power." Each of the clauses will now be discussed.

SECTION VIII—1. *To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.*

The national taxing power is a very important one, for revenue is just as essential for carrying on the National Government as it is for the state and local governments. Review Taxation, page 124. As we have seen, taxes are of two general kinds, direct and indirect.

Direct Taxes.— The word taxes, as used in the Constitution, means direct taxes, while duties, imposts and excises are indirect taxes. Poll taxes, taxes on land and personal property, and income taxes, are all direct, and have not been found a satisfactory source of revenue for the Nation. They have been levied only a few times by our National Government, and then only because of great

financial need, as during the Civil War, when taxes were placed on almost everything that could be made to yield revenue, in order to pay the enormous expenses of the war. After the war they were gradually repealed. As we have seen, the states and all local governments levy direct taxes, but the United States derives its income almost entirely from duties on imports and from internal revenue.

Indirect Taxes.— Close distinctions cannot be made between duties, imposts, and excises, but in general, duties are levied on imported goods; imposts, used in a broad sense, means about the same as duties; and excises are taxes laid on goods manufactured and used within the country, as liquors, tobacco, snuff, opium, oleomargarine, etc. Money paid for a license for carrying on any kind of business is also an excise tax. Most excises are paid by the purchase from the government of stamps, which are placed on the article in such a way that the opening of the package will destroy the stamp. Money raised in this way is called internal revenue.

Duties.— Duties, frequently called customs, are taxes levied on goods brought into the United States from foreign countries. They supply fully half of our Nation's revenue.

The Tariff.— The tariff is a list, fixed by Congress, of the duties charged on different articles. Only about half of the articles brought into the United States are subject to duty; the others are on the "free list." Most of the dutiable goods are those that come into competition with the products of American factories.

If a merchant buys a watch in Germany for twenty dollars, and pays a 40 per cent duty amounting to eight dollars, then sells it at a profit of seven dollars, the total cost to the buyer would be thirty-five dollars. In this

way the buyer really pays the duty and in so doing, pays to the Government eight dollars of indirect taxes.

Protective Tariff.— If the duty on the watch had been so high that the buyer could have purchased for less money, a watch just as good, that had been manufactured in our own country, the merchant would have found it unprofitable to import watches. This would encourage the manufacture of watches in this country. Such a tariff is called *protective*, because it protects our own industries from foreign competition.

Revenue Tariff.— If the tariff on watches were just high enough that it would be profitable to import them, so many would be brought in, that the Government would receive a great deal of money from the duty. Such a rate would be a *revenue tariff*.

Smuggling is avoiding the payment of duties by concealing the goods or landing them secretly. So much of this has been done that great care is exercised by the custom officers to prevent it. All suspected persons are searched, baggage is examined, and if any one is detected in the act of smuggling, his goods are forfeited to the Government, and he is subject to fine or imprisonment.

Reciprocity between countries is an agreement for each one to let in certain products from the other without duty or at reduced rates.

Uniformity of Taxation.— The tariff rates must be the same at all ports; New York may not admit any article at a lower rate than is charged at San Francisco, nor can an excise stamp for tobacco cost more in Maine than in Texas. Indirect taxation must be uniform.

SECTION VIII—2. *To borrow money on the credit of the United States.* Congress may borrow money on the credit of the United States. The ordinary expenses may be met by taxation, but if an unexpected need for money

should arise, this method would be too slow. One way in which Congress borrows money is to sell bonds, and the credit of the United States is so good that people both here and abroad are anxious to secure the bonds as an investment although the rate of interest is low.

Another method is to issue treasury notes which are used as money. They are accepted at face value because the Government will redeem them in gold whenever they are presented. Most nations have a large public debt.

SECTION VIII—3. *To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.*

Commerce is the exchange of merchandise between different places or communities, or between different nations.

No state may charge import duties; these are all collected by the National Government. No state may refuse to admit the products of another state, or levy duties on them. Trade between the people of the United States must be free. Interstate commerce is carried on very largely by the railroads. This was discussed on pages 99–103.

SECTION VIII—4. *To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.*

Naturalization.— The definition of a citizen is given in the fourteenth amendment: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the states wherein they reside."

There are two classes of citizens; those who were born in this country and those who have been naturalized. Any child of American parents is a citizen whether he is born in this country or abroad, and any child born in this

country, of foreign parents is a citizen. Review pages 109–111.

Naturalization is the legal process by which the rights, privileges, and duties of the citizen are conferred upon a foreigner. No alien can be compelled to become a citizen, but if he wishes he may become one in the following manner:

(1) He must make application by declaring his intention before a court to become a citizen of the United States, and to renounce all allegiance to any other government. He is then given his "first papers."

(2) This declaration of intention must be made at least two years before the final steps are taken.

(3) He must prove by witnesses before the court that he has resided in this country at least five years, and in the state or territory where the court is held at least one year, and that he is of good moral character. He must take oath that he will support the Constitution and absolutely give up all allegiance to any foreign ruler or country. He must also give up any title of nobility that he may have.

(4) He then receives a certificate stating that he is a citizen of the United States. His wife, and children under twenty-one years of age, also become citizens.

An alien woman becomes a citizen on marrying a man who is a citizen.

A soldier who is twenty-one years old, and has served one year in the army or navy and received an honorable discharge, may take an oath of allegiance and become a citizen.

Naturalization is denied to Chinese but their children born in this country may be citizens if they so desire.

Bankruptcy.— When a person is unable to pay his debts he is bankrupt, and a law dividing his property propor-

tionally among his creditors and freeing him from all legal obligations to make any further payment, is a bankrupt law. We have such a law at the present time.

SECTION VIII—5. *To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.*

Coinage of Money.— In every country the coinage of money is an exclusive privilege of the government. This is necessary in order that the money may have a uniform value in all parts of the country. The power is here given to Congress. Congress not only coins and regulates the value of our own money but determines how much foreign coins are worth in our money. We have two kinds of money, coin and paper.

Coin.— The coin is made at the United States mints, of which there are five, located at Philadelphia, Denver, New Orleans, Carson City, and San Francisco. The gold coins are the double eagle, eagle, half-eagle, and quarter-eagle. The silver coins are the dollar, half dollar, quarter dollar and dime. The only other coins are the five cent piece made of nickel, and the one cent piece made of bronze.

Paper Money is chiefly of three kinds: United States Treasury notes, gold and silver certificates, and National Bank notes.

United States Treasury Notes, or "greenbacks" as they are commonly called, were first issued during the Civil War, and were promissory notes with no definite time for payment, and no gold or silver in the treasury to pay them with, so they were not readily accepted. But later, in 1879, Congress began redeeming them in coin, and since that time they pass as money at their face value.

Gold and Silver Certificates represent the coin stored in the treasury of the United States, for which they can be exchanged at any time.

National Bank Notes are paper money issued by the national banks and are secured by government bonds.

Legal Tender is that kind of money which when offered or tendered in payment of a debt must be accepted. Legal tender money in payment of private debts consists of any gold coin, silver dollars and United States treasury notes to any amount; fractional silver coins to the amount of ten dollars; nickel and copper coins to the amount of twenty-five cents.

Weights and Measures.— A full set of weights and measures has never been adopted by Congress. Some of the English standard weights and measures have been adopted, and others are used, and copies of these have been furnished the custom houses, the states and wherever else they are needed. In 1866 Congress legalized the metric system but it is little used except in scientific work.

SECTION VIII—6. *To provide for the punishment of counterfeiting the securities and current coin of the United States.*

Counterfeiting coin or paper money or other securities of the United States is punishable by heavy fines and long terms of imprisonment.

SECTION VIII—7. *To establish post-offices and post-roads.*

The Postal System.— The Postal System was left entirely with Congress, which has placed it under the management of the Postmaster-General who is a member of the President's Cabinet, and has working under him, a force of clerks, railway mail clerks, post-masters, letter carriers, rural mail carriers, etc., numbering over 150,000 people, or more than the United States army and navy combined.

Post-Roads.— Congress has not found it necessary, except in rare instances, to establish post-roads, but has

used the roads already established by the people. Most of the mail is transported by the railroads, but it is carried by all sorts of conveyances, steamers, stages, trolley lines, buggies, horsemen, and men on foot. Contracts are made by the Government with those who carry the mails. Special fast mail trains are run on transcontinental lines and between large cities. Mail is distributed on the trains at all hours of the day on all railways in order to hasten its delivery.

Classes of Post-Offices.— The post-offices are classified according to the amount of business transacted. In offices of the first three classes the postmasters receive salaries varying from $1000 to $6000 a year, and are appointed by the President and the Senate, for a term of four years. The fourth-class postmasters are those who receive less than $1000 a year. They are nominally appointed by the Postmaster-General, but the appointments are really made by the Congressmen from the states or districts in which the post-offices are located. They hold their positions at the pleasure of the Postmaster-General, and receive a percentage on the income of the office.

Classes of Mail.— There are four classes of mail, bearing different rates of postage.

First Class mail consists of letters and all sealed matter. The rate is two cents an ounce or fraction thereof. Postal cards and drop letters, which are those letters delivered from the office where they are mailed, are exceptions, requiring but one cent of postage.

Second Class.—Newspapers and periodicals or magazines, are second class matter, and cost one cent a pound. Because of the great benefit to the people of this kind of mail, it has been carried at this rate, which is much below cost, and has had much to do with producing the deficit in the post-office department.

Third Class.— Books are carried at the rate of one cent for two ounces. Unsealed, circular letters also belong to this class.

Fourth Class.— Merchandise costs one cent an ounce or fraction of an ounce.

Unmailable Matter.— The privileges of the postal system are denied to a number of kinds of mail, among the most important of which are:

All immoral or abusive matter.

Matter pertaining to lotteries, or other fraudulent enterprises.

All matter harmful in its nature, as poisonous, explosive or inflammable articles.

A dun for a debt may not be sent on a post card.

The Early Postal System.— The postal system was handled by the government even during the Revolution, when it was managed by the Continental Congress, but the rates were high, only letters were carried, and delivery was slow. Stamps were not used, and postage was not paid in advance until 1845. Previous to that time it cost 12½ cents to send a letter 100 miles, and 25 cents to send it more than 450 miles. The present schedule of rates was adopted in 1883, and its great reduction in cost has caused the business to be many times increased.

Important Features of the Postal System.— Additions are constantly being made to the services rendered by this important department of our Government.

Certain post-offices may issue both domestic and international money orders for a small charge.

For ten cents, valuable letters and packages may be registered at the post-office, or by mail carriers. This makes it possible to trace a lost letter, for a record must be made of every registered package by every person through whose hands it passes.

Free delivery is provided for cities of 10,000 or more inhabitants, or where the annual receipts are $10,000 or above.

Rural Free Delivery is one of the most helpful and far-reaching in its results of all things undertaken by the postal department.

When the name and address upon a letter cannot be deciphered, or when the person addressed cannot be found, the letter is returned to the sender if his name and address is on the envelope; if not, it is sent to the Dead Letter Office at Washington, where it is opened and returned to the sender if the name is given.

The Postal Savings Bank.— The Government has recently established the Postal Savings System, which has long been in use in most European countries. It is for the purpose of providing a safe place of deposit for small sums, where they will bear interest. Any person of the age of ten years or over may open an account at his post-office with an amount as small as one dollar, and deposits of one dollar or more may be added whenever it is desired. This money bears two per cent interest. Because of the difficulty of making investments with small sums, the Postal Savings System is of great benefit to those who can save but little at a time. A great many of the depositors at these Savings Banks are boys and girls, who save from their earnings such tiny amounts as they can, and find themselves with a useful sum of money almost before they realize it.

The Parcels Post.— The European nations have a Parcels Post, permitting them to send packages of merchandise, eleven pounds or less, at very cheap rates. There has, for a number of years, been a considerable demand among the people of this country for the establishment of the Parcels Post, and it is at the present time a very live question.

The Financial Side.— The postal system is the only important business actually conducted by the Government. It is not carried on to make money, but to give the people the best service possible at the least cost. It has succeeded in this to a remarkable degree, for the service is very efficient, and the cost has not been enough in the past to make the system self-supporting. The year 1911 was the first time for twenty-seven years that the receipts amounted to as much as the expenditures. The deficit is charged to several sources; among them, exorbitant rates charged by the railroads for carrying the mails, the low rates on second class matter, and the enormous quantity of government publications, seeds, etc., sent out without any payment of postage. A number of changes are being made, among which is a provision that much of the second class matter must be carried by fast freight instead of express. No change of rates has been made on this class of mail because of its educational value.

But whatever its defects, the fact remains, that the post-office system is an immense business, carried on with wonderful promptness and precision, and that it is one of the greatest forces of civilization.

Section VIII—8. *To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.*

The protection of authors and inventors in the possession of their works is just, and it makes it worth while for people to give their time and energy to such work, which in turn tends "to promote the progress of science and useful arts."

Copyrights are issued to authors of books, maps, charts, dramatic and musical compositions, engravings, paintings, etc., giving them the exclusive right to make and sell the

article copyrighted for a period of twenty-eight years, with the privilege of renewal for fourteen years. A copyright is secured from the Librarian of Congress at a cost of one dollar. The International Copyright Act of 1891 gives foreign authors the privilege of obtaining copyrights in this country provided that their governments accord the same right to American writers, and provided also that the works are actually printed in the United States.

Patents secure to inventors the exclusive right to make and sell their inventions for a period of seventeen years. There is no provision for renewal, except by a special act of Congress. The applicant for a patent must take an oath that he believes himself to be the first inventor of the article, must file in the Patent Office at Washington a description of the invention, and must pay a fee of $15. If the patent is granted a second fee of $20 must be paid. Patents, like copyrights, may be bought and sold.

The patent system of our country is probably more efficient than that of any other nation, and has so stimulated the inventive genius of our people that more than two-fifths of the world's inventions originate in the United States. The records of the Patent Office show that Thomas A. Edison has been granted over 700 patents, and many inventors have received more than 100 each.

SECTION VIII—9. *To constitute tribunals inferior to the Supreme Court.*

This power will be considered later under the Judiciary.

SECTION VIII—10. *To define and punish piracies and felonies committed on the high seas and offenses against the law of nations.*

Piracy on the high seas is much the same as robbery on the land.

A Felony is a crime punishable by death or imprisonment in a penitentiary, as murder or arson.

The Law of Nations, or International law, defines the rights and duties of the nations in their intercourse with each other.

SECTION VIII—11. *To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.*

Declare War.— In monarchies the power to declare war is generally vested in the monarch, but since it is the people that bear the burden of war, it is only just that the power to decide when it shall be waged should rest in the hands of their representatives, so our government gives this power to Congress.

Letters of Marque and Reprisal are commissions from the government, authorizing private persons to seize the property of an enemy at sea. These letters are generally granted in time of war to owners of vessels which are then called privateers. In recent times privateering has come to be looked upon as little better than piracy, and nearly all of the civilized nations have discontinued it.

SECTION VIII—12. *To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.*

Most of the great nations keep a large standing army but the policy of the United States has always been against this. While the army of Great Britain numbers 254,500, Germany 620,000, France 560,000, Japan 230,000, Russia 1,200,000, that of the United States is limited to 100,000 in the regular army, while the actual number is a little less than 78,000. The two-year provision was made to keep the army within the control of the people.

SECTION VIII—13. *To provide and maintain a navy.*

The power to provide and maintain a navy, naturally goes with the power to raise and support armies. While our army is small, our navy has been increased until it

ranks as one of the great armaments of the world. The five greatest naval powers of the world are Great Britain, United States, Germany, France and Japan.

The estimated expenditure for army and navy in 1911–12, was for Great Britain $361,000,000, for the United States $223,000,000, for Germany $218,000,000, for France $263,000,000. These figures will serve to give some idea of the vast sums necessary to maintain the armed peace of the world. If the amount given above for the United States were made to include the cost of the National Guard maintained by the several States, it would probably bring the total cost close to $300,000,000, the amount paid in one year for the entire educational system of the United States.

International Peace Movement.— The cost of maintaining the army and navy, together with the expenditures for pension and interest on the public debt, both of which are expenses resulting from war, make a total that is almost three-fourths of all the money paid out by the government of the United States.

The expensiveness and the horrors of warfare have led many to believe that war could be done away with through the settlement of disputes by arbitration. Nations wishing to arbitrate any question would each send representatives to present its case before an impartial board of arbitrators who would act as judges. These judges would investigate and weigh the facts and render a decision. A considerable number of international disputes have been settled by arbitration during the nineteenth century, the number of cases submitted by the United States being greater than by any other Nation.

A Permanent International Court of Arbitration was established at The Hague in 1899, and ratified by twenty-four powers. The permanent court maintained, is com-

posed of men who are eminent authorities on international law. A splendid "Palace of Peace" is being built at The Hague. It is the gift of an American citizen, Andrew Carnegie.

The plan advocated by all the peace organizations is for all of the nations to disarm gradually, proportionately, and at the same time. But the movement for disarmament has made little progress and at present all the nations are adhering to the principle that the best way to preserve peace is to be prepared for war.

SECTION VIII—14. *To make rules for the government and regulation of the land and naval forces.*

This follows as a matter of course, the foregoing powers.

SECTION VIII—15. *To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.*

SECTION VIII—16. *To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.*

Technically, the militia of each state is made up of all the able-bodied men within the state, between the ages of eighteen and forty-five, but as ordinarily used the term militia means the organized force of men in each state. Membership in the organization is voluntary, some training and discipline are given, and the men receive pay only when in service. The main service of the militia is to act as a police force on call of the governor of their state in case of riot or insurrection.

Congress is given power to provide for calling out the militia, and they have done so by giving this authority to the President, which he uses when necessary, by calling

on the several States for their quota of men. This power has been exercised but few times; the War of 1812 and the Civil War furnishing the best examples.

SECTION VIII—17. *To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.*

The United States had no real capital until the Government was moved to Washington in 1800. Previous to that time Congress had met in New York until 1790, and then in Philadelphia until 1800. In 1790 Congress accepted from Maryland and Virginia a tract of land ten miles square, lying on both sides of the Potomac river, but afterward ceded back to Virginia her part of it, which leaves 70 square miles north of the river forming the present District of Columbia.

The District is under the absolute control of Congress. Half of the cost of keeping up the city is paid by Congress and the other half is assessed upon the property owners. The people do not vote, and have no political rights whatever.

SECTION VIII—18. *To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.*

Implied Powers.— Since it was not possible for the Constitutional Convention to foresee every necessity of the government, and to enumerate all of the powers that Congress might ever be called upon to exercise, this clause

was added to cover any needs that might arise. It was called the "sweeping clause" by Patrick Henry, and is often said to give Congress the power to do anything and everything. The extent of implied power has been one of the great dividing questions in our political history; some favored a great deal of implied power and others believed that Congress should have only the powers enumerated in the Constitution, and that all other powers should be reserved to the states. The general opinion and practice of today gives Congress much implied power. Under this interpretation Congress has built lighthouses, improved rivers and harbors, established banks, created mints, constructed roads, promoted education, purchased territory and done many other things that are not mentioned in the Constitution.

QUESTIONS

1. How many powers of Congress are enumerated in the Constitution?

2. Name the two general kinds of taxes. Discuss direct taxes as a source of revenue for the National Government. Compare local, state, and National Government in regard to direct taxation.

3. Name the three forms of indirect taxation. Explain each.

4. What are duties? What of their importance as a source of national revenue?

5. What is the tariff? Are all imported goods subject to duty? Why? Explain protective tariff; revenue tariff.

6. What is smuggling? What is done to prevent it? How is it punished?

7. What is reciprocity?

8. Discuss uniformity of taxation.

9. Why is it necessary that the Government have the power to borrow money? Explain two ways in which it is usually done.

10. What is commerce? Could Colorado charge a duty on wheat shipped from Kansas? Could Kansas charge a duty on coal shipped in from Colorado? Explain.

11. How does the Constitution define a citizen? What two general classes of citizens? What is naturalization? Explain fully the steps to be followed in naturalization. Is the privilege of naturalization denied to any class of people? Why? What advantage to a foreigner living in this country to become naturalized?

12. Why is the coinage of money an exclusive privilege of government? Which department of our government has charge of the coinage of money? Name the two kinds of money. How many mints in the United States? Locate them. Name our coins.

13. How many kinds of paper money? Name them and discuss each.

14. What is legal tender? Name the different coins and give the amount for which they are legal tender.

15. What weights and measures have been adopted by Congress? Explain. Is the metric system in general use?

17. What provision did Congress make for managing the Postal System? What can you say of the number of people employed in this work? Discuss the transportation of the mail.

18. How are postoffices classified? What can you say of salaries and manner of appointment of postmasters? To which class does the post-office in your community belong?

19. Why is mail matter divided into classes? How many classes? Discuss the matter and rates of each class. If any mail is sealed it belongs to which class? What is the rate on a book? If you seal a book so it can not be opened without breaking the seal, what rate of postage must you pay? Name classes of unmailable matter.

20. Discuss the early postal system mentioning rates and delivery. Discuss improvements in our postal system, mentioning money orders, registered letters, city and rural free delivery, the Dead Letter Office. Give as many as possible of the conditions that would cause a letter to be sent to the Dead Letter Office.

21. What is the purpose of the Postal Savings Bank? Is it an invention of our country? Discuss age of depositor, amount of deposit, rate of interest. Is there a Postal Savings Bank in your community?

22. Explain the Parcels Post. Has it been established in our country yet?

23. Has the Postal System been self-supporting? Name some causes for the deficit. Discuss the value of the Postal System.

24. What is a copyright? For what is it granted? How is it secured? At what cost? What is the International Copyright Act? How is the copyright shown on any article? Find the notice of copyright in some books.

25. What is a patent? Purpose? How obtained? At what cost? How does our patent system compare with that of other countries? How is the fact that an article is patented, indicated? Find the notice of patent on several articles.

26. Define piracy, felony, law of nations. What power is Congress given over these matters?

27. Who has the power to declare war? Why?

28. Compare the size of our army with the armies of other nations. What limit is placed on the size of the army? What is the real size?

29. Discuss the size of our navy. How does it rank with other navies? Discuss the cost of maintaining armies and navies.

30. What is meant by the movement for international peace? What is meant by arbitration? What is the plan advocated by the peace organizations?

31. What is the militia? Who belongs to it? How is the militia called out? Is it frequently done?

32. Give something of the history of the location of the capital of the United States. What is the size of the District of Columbia? How was it obtained?

33. Tell something of the government of the District of Columbia.

34. Why does the Constitution not give every power that Congress might exercise? Explain the "sweeping clause." How did this clause give rise to political differences? What is the general attitude today? Name some things Congress has done under this clause.

CHAPTER XX

POWERS DENIED TO CONGRESS AND TO THE STATES

ARTICLE I

However much implied power Congress may exercise, there are certain powers that are expressly denied to it. A number of them are given in the Section that follows.

SECTION IX—2. *The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.*

A writ of *habeas corpus* provides that any person who thinks that he or another is unjustly imprisoned, may recite the facts in the case to the judge of a court who will then issue a writ of *habeas corpus*. This writ will direct the one who has charge of the prisoner to bring him into court. The facts for and against the imprisonment are then told, and the judge decides whether the prisoner shall be held or discharged. The writ is intended to prevent imprisonment without investigation, and as a personal right is so important that it is never to be suspended except in time of rebellion or invasion, and then only if public safety demands it. In time of war it might be impossible to produce witnesses and evidence sufficient to hold a prisoner, whose release might be a great loss or danger to the country. For this reason Congress gave the President the power to suspend this writ during the Civil War.

SECTION IX—3. *No ex post facto law shall be passed.*

An ex post facto law is "one which renders an act punishable in a manner in which it was not punishable

when it was committed." It relates to criminal laws only. Such a law must not be passed by either the States or the Nation.

SECTION IX—5. *No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.*

We may have import but no export duties. The rest of the clause requires no comment. It's purpose is that of uniformity and fairness in the treatment of the states.

SECTION IX—7. *No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.*

Congress has charge of raising the public funds and of the expenditure of them. A complete account is kept by the Secretary of the Treasury and is published annually.

SECTION IX—8. *No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.*

The meaning of this clause is clear. The first part is for the purpose of preserving a spirit of equality among our people, and the second part is for the purpose of preventing foreign influences from tempting American officers.

SECTION X—1. *No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything*

but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

If the states could enter into treaties, alliances and confederations, and could grant letters of marque and reprisal, the Nation would be drawn into trouble by such acts and the Union would soon be broken up.

If each state could coin money, emit bills of credit, which means to issue paper money, or make its own legal tender regulations, there would be no uniformity in these matters, and endless confusion would result.

Certainly if Congress is forbidden to pass ex post facto laws, or to grant titles of nobility, the states should not be permitted to pass such acts.

A law impairing the obligation of contract is one which changes the body of law in force at the time the contract was made, so that one of the parties to the agreement is damaged by the change. This clause does not keep the legislature from regulating contracts to be made in the future.

SECTION X—2. *No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.*

This clause is intended to leave the whole matter of duties to Congress, so there will be uniformity and so the money derived from duties will be national revenue. It would be unfair for any state to retain the money paid in duties at the ports of that state, because as we have seen this is a form of indirect taxation paid by the whole people.

SECTION X—3. *No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.*

This clause, which requires no explanation, closes the list of powers denied the states.

QUESTIONS

1. What is a writ of habeas corpus? What is its purpose? What is the power of Congress with regard to it?
2. What is an ex post facto law?
3. Are export duties charged on goods sent out of the United States?
4. How may money be drawn from the national treasury?
5. What does the Constitution say about the granting of titles of nobility? Why?
6. Name the powers denied to Congress.
7. Name the powers denied the states. Explain the reason for each of these provisions.

THE EXECUTIVE DEPARTMENT

CHAPTER XXI

THE ELECTION OF PRESIDENT AND VICE-PRESIDENT

ARTICLE II

The Executive Department.— The Executive Department of our Government is vested with authority to enforce the laws. While the law-making body consists of a large number of persons, in order that there may be much careful consideration of the wishes and ideas of the people in all parts of our country, it was decided that the executive power should be given to a single person, so that decisions might be reached without disagreements and executed without delay. The executive power is vested in the President of the United States. He is elected for a term of four years, and may serve as many terms as the people care to elect him, though no president has ever served more than two. The term begins on the fourth of March following election.

This position is one of great dignity and honor. The President is recognized as the head of this great country; he receives official visitors from abroad, he appoints all the ambassadors and other representatives to foreign nations, the military and naval officers, and the civil officers of the Government, all of whom are directly or indirectly under his control. He is clothed with greater authority than the president of any other important republic in the world, and in some of the monarchies, notably England, the ruler is a much less powerful factor in government, than is the President of the United States.

SECTION I—*The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:*

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

ARTICLE XII—*The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates. and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from*

two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

The President and Vice-President are not elected directly by the people, because it was thought by the members of the Constitutional Convention that a select body of men would choose more wisely and carefully than could the whole people. The method of election as laid down in the Constitution was not found satisfactory chiefly because the President and Vice-President were not voted for separately, but the one receiving the greatest number of votes became President and the next one Vice-President. This made possible a President of one party and a Vice-President of another, and thus a chance for difficulty, particularly should the president die in office. It also made a choice by the House of Representatives necessary whenever two men received the same number of votes. This happened in 1800 when Jefferson and Burr were elected.

To remedy this, the twelfth amendment was adopted in 1804. The manner of election is as follows:

(1) Electors are selected by the people to choose a President and Vice-President; the whole body of electors is called the Electoral College.

(2) Each state is allowed as many electors as the sum of its senators and representatives; thus Kansas is entitled to ten.

(3) The Electors are voted for directly by the people.

(4) Each political party in each state nominates as many electors as the state is entitled to. No officer of the United States may be an elector.

(5) Congress has fixed the time for choosing electors, as the first Tuesday after the first Monday in November of every fourth year. Since electors are chosen on a general ticket and not one from each district, the political party that casts the majority of votes in any state usually elects all of the electors of that state. For example, if a state entitled to thirty electors should give only 1,000 more votes to one political party than to another, the winning party would be entitled to all thirty of the electors, and the other parties would have no representation at all. In this way the Electoral College does not always represent the wishes of the majority of the people and several presidents have thus been elected by a minority of the popular vote.

(6) Congress has provided that the Electoral College shall meet on the second Monday in January to vote for President and Vice-President.

When the Constitution was framed, it was intended that each Elector should use his own judgment in voting for President and Vice-President, but the growth of the political party system since that time has made this impossible. At present if a state elects the Republican

electors it is known at once that all those electors will vote for the Republican candidates for President and Vice-President; if the state goes Democratic, it means that many votes for the Democratic candidates. Consequently, as soon after election as it is possible to learn which set of electors were chosen in each state, it is only necessary to count the electors of each party to know who will be the next President. The result is usually known within a few days after election, and but little attention is paid to the real election by the Electoral College two months later.

(7) On the second Wednesday of February, the Senate and House of Representatives meet to count the Electoral votes, and in case no persons have majorities the elections go to the House and the Senate as explained in the Constitution.

Nomination of Candidates.— The development of party organization was not foreseen by the Constitutional Convention and so no provision was made for it. For this reason the nomination of presidential candidates has been a matter of growth. At first the congressmen of each political party met in a congressional caucus and named their candidates, but in 1840 both leading parties held national conventions and since that time the same method has been followed.

These national conventions, held every four years during June or July preceding election, are affairs of great national interest and excitement. They are held in large cities and great numbers of politicians and sight-seers are in attendance. Each state is allowed as many delegates as twice its number of representatives and senators, and the territories have from two to six delegates.

The important things done by a national convention are the nomination of candidates for President and Vice-President, and the adoption of a party platform.

The National Committee.— The National Committee of the party consists of one member from each state. This committee exercises a great deal of power for it has much to do with drawing up the party platform, it manages the campaign, secures money, looks after the party's affairs during the following four years, and calls the next National Convention.

Presidential Primary.— Many believe that the wishes of the people are not always truly represented by the convention system, and are in favor of nominating the candidates for President and Vice-President by the Direct Primary.

SECTION I—4. *No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.*

By examining this clause carefully, we find that because of the greater dignity and importance of the office of President, his qualifications are higher than those of a senator, just as a senator's are higher than a representative's. The qualifications of the Vice-President are of course the same as those of the President.

SECTION I—5. *In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President declaring what officer shall then act as President and such officer shall act accordingly, until the disability be removed or a President shall be elected.*

In pursuance of the power given to Congress in this clause, they passed a Presidential Succession law in 1886,

providing that in case of the death, resignation, or inability of both President and Vice-President, the office should devolve on the cabinet officers in the following order: Secretary of State, Secretary of Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, and Secretary of the Interior. Since the passage of this law, two officers have been added to the Cabinet, the Secretary of Agriculture, in 1889, and the Secretary of Commerce and Labor in 1903. The succession law does not of course apply to them.

A device for remembering the cabinet in order is the word *St. Wapniac* the letters of which are the first letters of the names of the departments in their order.

SECTION I—6. *The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.*

The salary of the President was at first $25,000, but has since been increased to $75,000, with an allowance of $25,000 for traveling expenses.

SECTION I—7. *Before he enter on the execution of his office, he shall take the following oath or affirmation:*

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

The inauguration of the President and Vice-President is an event of national interest, and a great many people go to Washington to witness it. The ceremony is held just before noon on the east side of the Capitol. The Chief Justice administers the oath provided by the Constitution, after which the President delivers his inaugural

address, in which he gives his plans and policies for his administration. Then he is driven to the Executive Mansion, or as it is generally called, the White House, which is to be his home during the next four years. This building is about a mile from the Capitol, and in it are the offices in which he performs all his official duties.

QUESTIONS

1. What is the general purpose of the executive department? In whom is the executive power vested? Why was the power in this department vested in only one person? Why was the legislative power given to a large number of persons?

2. For how long a term is the President elected? When does his term begin? Can you connect this date in any way with the sessions of Congress?

3. Discuss the power of the President. How does it compare with rulers in some other countries?

4. What is the subject matter of the twelfth amendment? Why was it adopted? When?

5. Discuss the election of President and Vice-President, explaining Electoral College, number of electors allowed each state, number allowed Kansas, election of electors, date of their election.

6. When does the Electoral College meet and cast its votes? Do the people have to wait until that time to learn who was elected President? Explain. Who counts the votes of the Electoral College? What is done in case the electors have failed to elect?

7. Tell all you can of national conventions of today. What is done by the national conventions? When are they held?

8. What is the national committee? Of how many members does it consist? What is its function? What is the presidential primary method of nomination? Is it used in Kansas?

9. What are the qualifications of a President? A Vice-President? Compare them with those of representatives and senators.

10. Discuss fully the Presidential Succession Law.

11. What is the salary of the President?

12. Tell all you can of the inauguration of the President and Vice-President.

CHAPTER XXII

POWERS AND DUTIES OF THE PRESIDENT

ARTICLE II

SECTION II—1. *The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.*

Since it is the duty of the President to execute the laws of the country, to repel invasion, and to quell domestic insurrection, it is necessary that the means of doing these things be placed at his disposal. This was accomplished by giving him command of the army and navy and by granting him the authority to appoint many officers who help him carry out the law.

The executive departments are in charge of the members of the President's Cabinet and he may call upon any of them at any time for information concerning matters of their department.

It sometimes happens that after a person has been convicted of a crime, some new evidence comes to light regarding the case. Under such circumstances, the President might need more time to look into the matter carefully. This clause gives him the power to grant the person a reprieve, that is to put off the day of punishment

as he sees fit. Or it might be found that the convicted person was not guilty or that he was the victim of unfortunate circumstances, in which case the President could issue a pardon, which is a complete release from punishment.

But in cases of impeachment the President is powerless to act. When public officials offend against the laws or abuse their privileges, it was thought that after conviction there should be no power to hinder their removal from office. The power to grant reprieves and pardons extends only to cases of conviction by the United States courts. Such offenses would be counterfeiting, deserting from the army, robbery of the mails or postoffices. Reprieves and pardons for offences against the state laws may be granted by the Governor of each state.

SECTION II—2. *He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.*

A Treaty is an agreement between nations, settling questions of dispute between them concerning such matters, as boundaries, commerce, war, and immigration. The terms of a treaty must not be in conflict with the Constitution, and when made, the treaty becomes a part of our national law. The President has the direct treaty making power, but he must submit all treaties to the Senate, and the approval of two-thirds of the members

present is necessary to make them binding. The President usually does not act personally, but through the Secretary of State, and all negotiations are conducted with great secrecy.

Appointments.— The power of appointment given the President in this clause has grown so great that he has control of the appointment to office of over three hundred thousand persons. Of course the President could not attend to all of this personally, and hence, many of the appointments are made by officials in the different departments. It is customary for the President to depend upon the recommendation of the senators and representatives of the states in which the office is located, and this share in appointment gives all the senators and representatives a great deal of political power, and is at the same time a great burden and responsibility.

Civil Service.— Persons who are employed by the Government are in the government service, or, as it is usually expressed, they are in the civil service. A very large number of officials are appointed and removed by the President directly or by the heads of departments. The first six presidents made no changes for political reasons, and removed altogether probably fewer than a hundred persons, but when Jackson became President he made seven hundred thirty-four removals in one year, and placed in those offices men of his own political belief. Thus was developed the "Spoils System," and with it the theory that the winning party should have the offices. This system produces a great deal of dissatisfaction, but nevertheless the policy has been followed from that day to this.

It is generally agreed that a new President should fill the higher offices with men of his own party in order that there may be harmony in carrying out his policies and those of the party that elected him. But the great

majority of civil service officers, have nothing to do with shaping public policies; these and the army of clerks and employees, it is also generally agreed, should not be appointed and removed for political reasons.

Civil Service Reform.— A new policy was begun in 1883, when Congress passed the Pendleton Bill providing for a competitive examination of a large number of civil service employees, and appointment according to the results of the examination, instead of through politics. The appointees hold their positions during good behavior and efficient service. More than one half of all civil service employees now receive their appointments through the system of competitive examinations.

SECTION III. *He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.*

The first two Presidents went before Congress in joint session and delivered their messages in person, but President Jefferson sent written messages, and the custom has been followed ever since. An annual message is sent at the opening of each session of Congress, giving in outline the history of the year, together with the President's views and recommendations regarding needed legislation. Special messages relating to special questions are sent whenever necessary.

Several Presidents have found it necessary to call

special sessions of Congress, but no President has ever had to adjourn Congress.

To "commission all the officers of the United States," means to appoint and clothe them with authority.

The chief duty of the President is that, "he shall take care that the laws be faithfully executed." This clause is really a summary of all the powers of the President. He must enforce all laws whether they meet his approval or not and of course he must obey all laws, the same as any other citizen.

The President's Cabinet.— The Constitution makes no direct provision for a cabinet. It provides that the President "may require the opinion in writing of the principal officers in each of the executive departments," but it does not form such officers into a council, nor give them any advisory power. The Cabinet has grown out of the necessity for dividing up the enormous amount of work of the executive branch of the government.

President Washington appointed a Cabinet of four members, and it has since grown to nine. The members are appointed by the President and confirmed by the Senate, but since they are closely associated with the President and are really his assistants, the Senate usually confirms his appointments without question.

Each Cabinet Officer has general control of the affairs of his department but he is in turn subject to the authority of the President, and may be dismissed by him at any time. Through his Cabinet Members the President is kept informed as to the affairs of the departments. President Washington followed the Constitution to the letter and required the opinion of the secretaries in writing, but other Presidents soon established the custom of calling Cabinet meetings. The meetings are at the White House and the public does not know what takes place at them.

The President is not bound by the opinions of his Cabinet; their function is to advise, but the President follows this advice or not as he thinks best.

The Secretary of State ranks highest among the nine Cabinet Officers. His department was created at the beginning of the National Government, and he has from that time had the sole power to communicate with other nations in the name of the President of the United States. All of the business between our Government and foreign governments is conducted through this department. It includes such matters as the negotiation of treaties, the reception of representatives of foreign powers, and all of the duties connected with the public ministers and consuls to and from other nations.

The Diplomatic Service. In order that countries may successfully carry on relations with each other, it is necessary for them to send representatives to each other's capital cities. This branch of our Government is called the Diplomatic and Consular Service, and is under the direct supervision of the Secretary of State. These representatives are of two general classes; ambassadors and ministers who represent the United States politically, and consuls who represent it commercially. Ambassadors are sent to ten of the more important nations and ministers to the others. They have charge of political matters, and attend to the settlement of any difficulties that may arise with foreign powers. Consuls represent the commercial interests of our country; they are business men, and deal chiefly with the interests of individuals instead of governments. Their principal duty is to see that the commercial laws of the country are enforced, and that our commerce, merchants and seamen are protected.

The Foreign Service is a very important branch of the Government, for much of our peace and prosperity depend

upon our political and commercial relations with other countries.

These positions can be properly filled only by men of much talent; they must be broad-minded and tactful, familiar with recent history and have a ready understanding of people. Although appointments are usually made for political reasons, there have been among our representatives abroad some of the ablest men that our country has produced.

The Department of Treasury, under the Secretary of the Treasury, has charge of the financial business of the country. It has control of the custom houses and collects the duties, collects internal revenue, organizes national banks, and supervises the making of coin and paper money.

The Department of War, under the Secretary of War, has charge of the army. It also controls the military academy at West Point, a school maintained to train officers for the military service.

The Department of Justice, under the Attorney General, is the law department of the Government. It furnishes legal advice to the President and Cabinet members, and looks after the interests of the United States in cases in court.

The Postoffice Department, under the Postmaster-General, has charge of all matters pertaining to postoffices and the mails.

The Department of the Navy, under the Secretary of the Navy, provides for the construction and equipment of vessels, purchases naval supplies, and controls the naval academy at Annapolis, Maryland, maintained for the purpose of training naval officers.

The Department of the Interior, under the Secretary of the Interior, has the management of the domestic or internal affairs of our nation. Some of these are pensions,

public lands, Indian affairs, patents and copyrights, and education.

The Department of Agriculture, under the Secretary of Agriculture, exists for the purpose of giving to the people all information obtainable on subjects connected with agriculture. The work is carried on through the bureau of soils, plant industry, experiment stations, animal industry, weather bureau, forestry service and public roads.

The Department of Commerce and Labor, under the Secretary of Commerce and Labor, was created in 1903, and "fosters, promotes, and develops the foreign and domestic commerce, the mining, manufacturing, shipping and fishing industries, the labor interests, and the transportation facilities of the United States."

QUESTIONS

1. Why should the President have been made commander-in-chief of the army and navy? Does he carry out this authority directly or indirectly?

2. What is a reprieve? A pardon? Discuss the power of the President in these matters. Could the President grant a pardon to an officer who had been impeached? Could he pardon any one for an offense against state law? Explain. Give some examples of offenses over which he would have power.

3. What is a treaty? Are treaties matters of importance? Who makes them?

4. Discuss the appointive power of the President and of congressmen.

5. What is the meaning of civil service? Give an account of the growth of the Spoils System. Is there good reason for the President's having power to appoint any officers from his own political party? Is there good reason for appointing all of them for political reasons? Why? Explain civil service reform. Do you know of any officers appointed through civil service examination? Have you ever seen any notices in the papers of civil service examinations?

6. Tell all you can of the President's messages. Explain *special messages* and *special sessions.*

7. What provision does the Constitution make for a President's cabinet? How many members in the first cabinet? How many members in the cabinet today? How are they appointed? What is their authority? Explain the relation between the President and his cabinet.

8. Give the rank and duties of the Secretary of State. What is meant by the Foreign Service? Name and explain the different classes of representatives to foreign countries. Discuss the importance of the Foreign Service. Can you name any of the men who have at any time, represented our country abroad?

9. Tell all you can of the Treasury Department.

10. Name the rest of the cabinet officers and tell something of their duties.

THE JUDICIAL DEPARTMENT

CHAPTER XXIII

ARTICLE III

SECTION I. *The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.*

The Judiciary.— Under the Articles of Confederation there were no independent courts for the settling of disputes between the states. Although the cases might be tried before Congress, or special courts created by it, there was no executive department to enforce the decisions after they were made. This experience led the framers of the Constitution to establish a strong judicial department and to make it independent of the other two departments and equal to them in dignity. They realized, too, that it was necessary to make the National judges as independent as possible in order that their decisions might be given without fear or favor; they must not fear the President, or Congress, or any political party, or any section of the country. As we learned in Article II, Section 2, Clause 2, the President with the consent of the Senate may appoint judges, but once appointed they cannot be removed except by impeachment, and this means is used only for great cause. In our whole National

history there have been 400 or more United States judges and in all this number there have been but two removals by impeachment. A judge is secure in his salary, also; it may be increased, but it cannot be decreased. Thus the decisions of the National judges cannot be influenced by fear of elections, or threats of removal, or decrease of salary.

The System of Courts.— The framers of the Constitution provided for a Supreme Court but they recognized that other courts would be necessary, and they indirectly provided for them in the words, "and in such other courts as the Congress may from time to time ordain and establish." In all departments of justice there are always different grades of courts, lower courts, for cases of least importance, and higher courts for more important ones, and, highest of all, a supreme court.

The first Congress in 1789 passed the Judiciary Act organizing a system of courts, and except for a few minor changes and the growth of the number of courts in the different classes, the Act has not been greatly changed since that time. The different classes of courts are as follows:

The Supreme Court.— This court consists of the Chief Justice and eight associate justices. It is necessary that at least six of these judges be present when a case is tried and a majority is required to render a decision. The vote of the Chief Justice counts just the same as the votes of the associate justices. This court is in session from October till July at Washington, D. C.

Considering the rank and importance of this department the salaries are not high; the chief justice receives $15,000 and the associate justices $14,500, but the dignity of the office is such that the ablest men accept appointments to these positions. Any judge who has

served for ten years, and has attained the age of seventy, may resign and continue to draw full salary during the remainder of his life.

Nine Circuit Courts of Appeal.—The states are divided into nine groups or circuits, in each of which is a Circuit Court of Appeals. The Eighth Circuit consists of Arkansas, Colorado, Oklahoma, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, Utah and Wyoming. There were also nine Circuit Courts, but they went out of existence on January 1, 1912.

Ninety District Courts.— Each District Court has a district judge. Many of the districts are composed of single states but some of the larger states are divided into several districts. Kansas is a single district.

Other Courts.— In addition to these there are the Court of Claims for hearing claims against the National Government, the Court of Commerce, the Territorial Courts, the Courts of the District of Columbia, and the Court of Customs Appeals.

SECTION II—1. *The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.*

SECTION II—2. *In all cases affecting ambassadors, other public ministers and consuls, and those in which a*

State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Some explanation of terms is necessary before going further.

The *jurisdiction* of a court is its power to hear and settle controversies. The United States Courts do not have jurisdiction in all kinds of cases but only such as are named in the Constitution.

Controversies are difficulties or disputes and when brought into court are called *cases*.

When a court has *original jurisdiction* in a case it deals with that case from its commencement; it is the first court to try the case.

When a case has been tried in one court, and then is tried again in a higher court, the second court is said to have *appellate jurisdiction*.

When a case is carried from one court to another it is *appealed*.

The District Courts have original jurisdiction only. Appeals may be taken from these courts to the Circuit Courts of Appeal, which have appellate jurisdiction only, or to the Supreme Court, which has both original and appellate jurisdiction and from which there is no appeal. Its decisions are final. The Constitution names the classes of cases in which the Supreme Court has original jurisdiction.

If a state law or a law passed by Congress is believed by the Supreme Court to be in conflict with the Constitution such law will be declared by the Supreme Court to be unconstitutional, which means that it will be as though the law had never been passed. Of course no law can be

passed upon by any court unless a case is brought under that law.

SECTION II—3. *The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed, but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.*

Trial by jury has for centuries been one of the most cherished and carefully guarded rights of the English-speaking people. It means that no person shall be convicted of any crime, except on the unanimous verdict of twelve people. This privilege very largely does away with the danger of punishing persons who are innocent of the crime of which they are accused.

It is further provided that to save trouble and expense the "trial shall be held in the State where the said crime shall have been committed." If a man living in Kansas were accused of a crime committed within this State, it would be very unjust to compel him to go to New York for a trial.

We have learned in another place that charges of impeachment are not tried in the regular courts but in the Senate.

SECTION III—1. *Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.*

SECTION III—2. *The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.*

Treason is an attempt by one or more citizens of a country to overthrow the established government. It is considered the greatest of all crimes, and is punished in the severest manner. Because of this, treason has, in the past, in England and other countries, afforded tyrannical rulers a very convenient excuse for punishing those who incurred their displeasure. Men were seized, accused, and convicted of treason on the merest pretexts. To guard against anything of this kind in our own country, the Constitution defines exactly what shall be regarded as treason. Talk of waging war, or plans to wage war are not treason, but if a body of men actually assemble for the purpose of levying war then each and every one taking even the slightest part is a traitor. So is anyone who gives any assistance to the enemies of his country or sells them provisions, horses, or other supplies, to be used in carrying on the war.

To avoid the slightest danger of an innocent person's being convicted of treason, the Constitution further provides that conviction may be had in only two ways: on confession, not privately but in open court, and, "on the testimony of two witnesses to the same overt act."

Congress has fixed the punishment of treason as death, or imprisonment for not less than five years and a fine of not less than ten thousand dollars.

QUESTIONS

1. In what is the judicial power of our country vested? Is the Judiciary equal in importance to the other two departments of National Government? How are the judges made independent? Why?

2. Does the Constitution provide with exactness a system of courts? Who has the power to establish national courts? What is the Judiciary Act?

3. Name the different classes of courts. Discuss each.

4. Explain the meaning of jurisdiction, cases, original jurisdiction, appellate jurisdiction, appeal.

5. What is meant by saying that a law is unconstitutional?

6. What does the Constitution say about trial by jury? Of the place of trial? Where are impeachments tried?

7. What is treason? Why did the framers of the Constitution define it so carefully? Discuss the punishment of treason.

CHAPTER XXIV

RELATIONS BETWEEN STATES

ARTICLE IV

SECTION I. *Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.*

The public acts of any state are the laws of that state; the records are the records of deeds, wills etc., and the judicial proceedings are the acts of the courts. For each state to give them full faith and credit means that each state must recognize them as just as binding as they are in the state in which they were made. If two people are married in one state, they must be recognized as married in all of the other states, although the laws of the states vary on marriage. Such a provision is necessary in order to avoid endless confusion.

SECTION II—1. *The citizens of each State shall be entitled to all privileges and immunities of citizens in the several states.*

The moment a citizen of one state moves into another state he has every right that other citizens of the latter state have. He may not, however, demand rights which he had in the state from which he comes, if they are not recognized by law in his new home. Though Missouri allows her citizens to sell cigarettes, a Missourian may not sell them in Kansas.

A foreigner may not vote in Iowa until he has become

a naturalized citizen of the United States, but if he leaves Iowa and moves to Kansas, he may become a voter in six months if he has declared his intention of becoming a citizen. The moment a family moves into Kansas the children are as liable to the Truancy law as any child in the state, no matter what the provisions of the Truancy law were in the state from which they came.

SECTION II—2. *A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.*

If a person commits a crime in Kansas, and then flees to Colorado, the officers in Kansas may not go into Colorado and arrest him, because the authority of any state cannot go beyond its own boundaries; nor may the officers in Colorado arrest and punish the criminal, because the crime was not committed within their state. If no provision had been made for such cases, each state would be overrun with criminals from other states, but under this clause of the Constitution the Governor of Kansas would send a requisition, that is, an application, to the Governor of Colorado, who would then order his officers to arrest the man and turn him over to the Kansas authorities. There is no way by which the Governor of Colorado could be compelled to do this, but as a matter of fact, governors usually do honor requisitions from each other.

A similar exchange between nations, of fugitives from justice, is called extradition. The United States has extradition treaties with most of the civilized nations.

SECTION III—1. *New States may be admitted by the Congress into this Union; but no new State shall be formed*

or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The admission of new states was left entirely to Congress. The usual method is for Congress to pass an enabling act authorizing the territory to form a constitution, which must then be submitted to Congress for approval. Sometimes a territory has adopted a constitution first and then asked for admission. Congress determines the boundaries, and the time and manner of admission and many details, but when once the state is admitted it is the equal of the other states, and cannot be divided nor joined to other states without its own consent. When once within the Union it cannot withdraw from it; this is not mentioned in the Constitution, but it was definitely settled by the Civil War.

SECTION III—2. *The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.*

A Territory is a part of the national domain that has been organized but has not yet been formed into a state. A territory does not enjoy all of the privileges of a state; its only representation in Congress is a delegate in the House, who may speak but not vote; it has no part in electing the President and its governor and judges are appointed by the President. Though a territory is organized and controlled by Congress, it is usually given the right to elect a legislature, and make laws, so that it may have a share in its own government and thus become fit for statehood and complete self-control.

Original Area of the United States.— The boundaries of the United States as they were stated by the treaty at the close of the Revolutionary War in 1783 were as follows: The Great Lakes and Canada on the north, the Atlantic on the east, Florida and the Gulf of Mexico on the south and the Mississippi River on the west. The same boundaries existed when the Constitution was adopted in 1787. When the National Government went into operation in April of that year there were eleven states: New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, South Carolina, and Georgia. But the Union was made complete by the ratification of the Constitution by North Carolina in November, 1789, and Rhode Island in May, 1790. Thus the Nation began its history with thirteen states, but by the study of the map of the United States we may readily see that the area of the original thirteen states did not comprise all, nor even a very large part, of the area contained within the boundaries of the Federal Government in 1789. The remainder was territory that was later to come into the Union as states.

New States.— In all, thirty-five new states have been admitted to the Union, making a total of forty-eight. Twenty-five of these lie within the original boundaries of the Nation; the rest have been carved from territory acquired by the Government since that time.

Present Area.— Before the organization of our National Government, people had crossed the Appalachian Mountains and begun the steady westward movement of settlement that has continued until our nation is a complete set of states from the Atlantic to the Pacific, and from Canada on the north to Mexico and the Gulf of Mexico on the south. Not a territory is left within these bounds. And we have acquired other possessions. The area of our

country at the time of establishing our Federal Government in 1789, was 828,000 square miles; since that time it has been increased to 3,692,000 square miles, nearly four and one-half times its original size.

Territorial Growth.— These are the various additions to the territory of the United States:

1. Louisiana, purchased of France in 1803 for $15,000,000, embraced the western half of the Mississippi valley.

2. Florida, purchased of Spain in 1819, for $5,000,000, consisted of the peninsula and a narrow strip of territory running westward along the coast to Louisiana.

3. Texas was admitted to the Union in 1845 by a joint resolution of Congress. Texas declared its independence of Mexico in 1836, became an independent republic, and applied for admission to the United States.

4. Oregon included the territory lying between parallels 42° and 54° 40′ north latitude, west of the Rocky Mountains. The real claim of the United States to this territory came from the expedition of Lewis and Clark and was settled later by treaties with Spain, Russia, and England in 1819, 1825, and 1846. The forty-ninth parallel was finally fixed as our northern boundary.

5. New Mexico and California were obtained in 1848 as a result of the Mexican War and the payment of $15,000,000.

6. The Gadsden Purchase was secured in 1853 for $10,000,000. It consisted of a strip of southern Arizona and New Mexico.

7. Alaska was purchased from Russia in 1867, for $7,200,000.

8. The Hawaiian Islands were annexed by a joint resolution of Congress in 1898.

9. By the terms of the treaty at the close of the Spanish-American War, 1898, the United States paid Spain

$20,000,000 and Spain ceded to the United States Porto Rico and other islands in the West Indies, in the Ladrones, and the Philippine Islands. In addition to this, Spain gave up all claims to Cuba, which was taken under military control by the United States until 1902, when it became an independent republic, but is still under the protection of the United States.

10. Tutuila and others of the Samoan Islands were acquired by the United States in 1900 by a treaty with England and Germany.

11. The Panama Canal strip, ten miles in width, five miles on each side of the center of the Panama Canal, was obtained by treaty with the Republic of Panama in 1904.

Government of Territorial Possessions.— Congress has not laid down any set of rules for the government of territorial possessions. Instead, it has dealt with each territory according to its needs and conditions; sometimes it has permitted National domain to come into statehood immediately, as in the case of California, sometimes it has provided liberally for local self-government, as in Hawaii, and sometimes it has kept almost entire control of the territory, as in the case of Alaska. So long as the territories were a part of our continental area, were settled by people of our own race, and were merely states in the process of development, the problem of governing the territories was not a difficult one. But with the acquisition of lands the people of which are of other races, with different abilities and ideas, the question of government became a difficult and serious one. Because of these conditions our possessions may be divided into territories, such as Hawaii; partially organized territories, such as Porto Rico and the Philippines, and unorganized territories such as Tutuila and the Canal Zone. Unorganized

territories, have no local law-making body, but are governed directly by Federal officers.

Federal Expansion.— Through steady growth our country has come to be one of the largest and most powerful nations of the world. This has not been accomplished by a policy of grasping everything within reach, by forcing the authority of the United States wherever possible, but rather it has been a natural, inevitable growth, and wherever the government of the United States has reached it has meant the greatest liberty and self-development. It has been the policy of this country to govern its possessions, not for profit alone, but for the advancement and betterment of the governed, to the end that they may become more and more capable of self-government.

SECTION IV. *The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the legislature can not be convened) against domestic violence.*

A republican form of government is one in which the power rests with the people and is exercised by representatives elected by them. Our National Government is republican, each of the states is republican, and of course no new state should be admitted whose government does not conform to this standard, nor would it be just for the United States to deny such a government to any state. A monarchy among our republican states would be an unnatural condition.

Protecting a state against invasion or rebellion is protecting the Nation itself, and it is reasonable that this power should rest with the National Government. The President is authorized to supply this protection by means of the army and navy at his command.

Domestic violence is resistance to the law and authority of a state. Suppose that a large body of people within a state should refuse to obey a certain law, and the police and sheriffs were unable to maintain order. The officers would then call on the governor of the state for assistance; the governor, if he saw fit, could call out the state militia, and if order still could not be obtained, the legislature or the governor could ask the President for aid, and if the President believed it necessary, he could at once send national troops to put an end to the disturbance.

QUESTIONS

1. Explain what is meant by the words "full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state." Give examples.

2. Give rights of a citizen moving from one state to another.

3. If a Kansas man should commit a crime and go to Oklahoma, what could be done about the matter? Explain requisition. What is national extradition?

4. What does the Constitution say about the admission of new states? How is it done? What were the last two territories admitted? Are there any territories in Continental United States?

5. What is a territory? How is it governed?

6. Give the boundaries of the United States at the close of the Revolutionary War. Point out these boundaries on a map. Show how much of this was settled when Washington became President.

7. How many states at the present time? How many of these are a part of the original area? Compare the original area with the present area of the United States?

8. Name acquisitions of territory, giving date, price, terms, and area of each. Discuss expansion of our country.

9. Discuss the different ways in which Congress has dealt with territory. Why is the question of territorial government more serious today than in former times?

10. What may be done in case of invasion of a state? Of riot or rebellion?

CHAPTER XXV

GENERAL PROVISIONS

ARTICLE V. *The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.*

There are two methods by which the Constitution may be changed:

1. Congress may, by a two-thirds vote of both houses, propose an amendment which must then be ratified by three-fourths of the states.

2. Two-thirds of the states may petition Congress to call a Convention to consider desired amendments. Any amendments proposed by this convention must be ratified by three-fourths of the states.

The second method has never been used. During the first hundred years of our Government over 1900 amendments were offered, and of this number only fifteen have been added to the Constitution, so while amendment is

possible the large majorities required by the Constitution effectually prevent hasty or careless changes.

A Sixteenth Amendment is now pending, that, "The Congress shall have power to lay and collect taxes on incomes, from whatsoever source derived, without apportionment among the several states, and without regard to any census or enumeration."

The income tax is levied by many of the foreign governments and was used by our Government during the Civil War, but when Congress passed a law in 1894 laying a tax on incomes the Supreme Court declared it unconstitutional by deciding that it is a direct tax and must therefore be apportioned among the states according to the population, an impossible thing to do.

The resolution proposing the amendment passed the Senate by a unanimous vote and the House of Representatives by a vote of 317 to 14. Ratification by the legislatures of three-fourths of the states is necessary to make it effective. It was offered to the states in 1909 and at this time, (May, 1912), thirty-one states, including Kansas, have ratified.

A Seventeenth Amendment, providing for Direct Election of Senators, is now before the states for ratification. Review page 187.

ARTICLE VI—1. *All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.*

Since the American people who adopted the Constitution were the same nation of people who fought in the Revolutionary War, they recognized that their debts and contracts would be just as binding under the new government as before, and by placing this clause in the Consti-

tution they gained the respect and confidence of the other nations.

2. *This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

This clause emphasized, beyond the shadow of a doubt, the fact that the National Constitution, laws, and treaties are the supreme law, that is, the highest law in the land. No law may stand in conflict with the National law.

3. *The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.*

Not only is the Constitution declared to be the supreme law, but all national and state officers must solemnly promise to support it.

QUESTIONS

1. How many methods of amending the Constitution? Give them.
2. Have many amendments to the Constitution been offered? How many have been adopted? Does this lead you to believe that hasty amendments may be made?
3. Is any amendment now pending? Explain.
4. What was the attitude of the new nation toward the debts contracted before the establishment of the National Government?
5. What is the supreme law of the land?
6. What does the Constitution say about religion?

CHAPTER XXVI

BILL OF RIGHTS

Bill of Rights.— There are two general sources from which life or property may be threatened: (1) the acts of individuals, and (2) the acts of government through its officials. We who live in America today are enjoying what is probably the most liberal government in the world, and we can scarcely realize what it would mean to be ruled by despotic authority; to be arrested and imprisoned at the will of officials and to be denied the right of an early trial; to be punished for speaking or printing our opinions regarding such matters as politics and religion; to have our houses searched at the pleasure of officials. But we may gather some idea of the attitude of the colonists toward these oppressions when we read of the way they rebelled against such measures as the Stamp Act, the Quartering Act, and the Intolerable Acts of the English Government. When they secured their independence a Bill of Rights became a part of each of their state constitutions. By a Bill of Rights is meant a guarantee of certain rights belonging to the people as individuals. When the Constitution came before the people for ratification, the objection was made that it contained no Bill of Rights, and although Alexander Hamilton and other friends of the Constitution asserted that it gave no power to take away popular rights guaranteed by the state constitutions, a number of the states, following the lead of Massachusetts, ratified with the understanding that a Bill of Rights would be offered as amendments to the Constitution.

During the first session of Congress, nearly two hundred amendments were offered, and finally ten of them were adopted. They went into force in 1791. These ten amendments are concerned with the rights of the people, and are often called the Bill of Rights.

ARTICLE 1. *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.*

Religion and Government.— During colonial days there was a very close connection between the affairs of church and government. Religious qualifications were required for voting and office holding, and very strict laws were passed regarding attendance at church and the observance of the Sabbath. The idea of religious liberty grew slowly, but by the close of the Revolution many of the restrictions had disappeared. When the Constitution was written the idea of liberty had grown so strong that the clause was inserted, "no religious test shall ever be required as a qualification to any office or public trust under the United States." This did not satisfy the people, and in the first amendment that was added to the Constitution we find the words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

This amendment means an absolute separation of the church and the National Government. It does not restrict the state governments, however, in the support of religion, and many of them did for some years contribute to the support of the churches in different ways. Most of the states now prohibit such support. A few states make a belief in God a condition for holding office. A method of assistance that is very general among the states is

that of exempting religious bodies from taxation on their property. The importance of this is seen when we consider that the religious bodies of the United States own property to the value of about $700,000,000. Kansas exempts both church and school property from taxation.

The attitude of our government is not that religion is a matter of slight importance, for its deep significance is fully recognized, but that it is a matter of private concern; that churches are voluntary organizations, and that there should be complete separation of church and government, or of church and state, as it is usually expressed.

Read Section 7 of the Kansas Constitution, page 154.

Freedom of Speech and Press.— One of the most certain means by which a government may become tyrannical is the denial to the people of the right to express themselves freely in speech or print. But this freedom does not mean that they have the right to abuse this privilege by wronging others in their rights or reputations, or by saying or publishing what is immoral. It means that Congress cannot establish a censorship and thus prevent the full expression of opinion. The reputation of citizens is protected because all of the states have laws which furnish protection against slander and libel.

Slander consists in speaking maliciously against the reputation of any person. One who is slandered may bring action for damages.

Libel is published slander, and is considered a greater offense than slander because it has a wider circulation and thus causes greater injury. It is punishable criminally, as well as by damages.

Assembly.— The right of peaceable assembly was another right often denied in the past, for fear people might plot against the government; but in this country, because the people themselves control the government,

there is no such danger. However, if any assemblage becomes riotous it may be suppressed under state laws which prevent disturbance of the peace.

Petition.— The right of petition is another means of bringing public opinion to the attention of the Government.

ARTICLE II. *A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.*

If it were necessary for the people to remain unarmed, a large standing army would be necessary for their protection, but since the people do not want a large army, it is necessary that they have the right to keep and bear arms. However, the carrying of concealed weapons is considered dangerous and is generally forbidden by state law.

ARTICLE III. *No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.*

This does away with another method of tyranny that the colonists endured.

ARTICLE IV. *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

Before the Revolution, English officers could enter any house by day or night and seize any letters, papers, or persons. The famous Writs of Assistance were an example of the methods used.

The fourth amendment states under what conditions searches and seizures may be made.

1. The complaining party must take oath or affirmation that a crime has been committed and that there are good reasons to suspect that the persons or things to be seized are concealed in some particular place.

2. A warrant must be issued.

3. The warrant must describe the place to be searched and the persons or things to be seized.

Of course any officer may force his way into a house and make arrest without a warrant if it is known that a crime is being committed, but the officer must be able to prove that his action was necessary for the public good.

ARTICLE V. *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.*

"Twice in jeopardy" means that if a person is once tried for a crime, whether found guilty or not guilty, he cannot be tried again for the same offense. He himself may apply for a new trial, but this is for his own benefit and does not put him in jeopardy or danger a second time.

In early times accused persons were burned, starved, tortured, and threatened, to compel them to confess themselves guilty, and innocent people were often driven to a confession to end their sufferings. But under the Constitution no man can be compelled to testify against himself.

ARTICLE VI. *In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an*

impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

It would be very unjust to keep a person imprisoned for a long period of time, awaiting trial, and a public trial is more likely to be fair than if it were conducted in secret; therefore, anyone who is accused of a crime shall be given "the right to a speedy and public trial."

In order that the accused may have every chance to prove his innocence he may:

(1) Be tried in the district where the crime was committed.

(2) Be tried by an impartial jury.

(3) Be informed of the charge against him.

(4) Bring witnesses in his own favor. The court must compel these witnesses to testify if necessary.

(5) Have counsel for his defense, that is, he may have a lawyer to defend his case. The Government must pay for this lawyer if the accused is unable to do so.

ARTICLE VII. *In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.*

A trial by jury may be had in all criminal cases and in all civil cases where the amount involved is more than twenty dollars.

ARTICLE VIII. *Excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

If such a large amount of bail should be required that it could not be obtained, the result would be the same as though the privilege of bail were denied.

The First Eight Amendments.— It should be remembered that the provisions of the first eight amendments are restrictions on the National Government only. Nothing is said that prohibits the states from doing any of these things. However, all of the states have embodied similar provisions in their constitutions. Turn to the Bill of Rights of the Kansas Constitution, page 153, and compare its provisions with those of the National Bill of Rights.

ARTICLE IX. *The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.*

Because the foregoing rights of the people have been named, it must not be supposed that other rights not named are denied them, for it would not be possible to name in detail every right which might at some time be necessary. Moreover, the states are in general the guardians of their citizens.

ARTICLE X. *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.*

In order to keep the National Government from exercising general powers over state citizens the tenth amendment very clearly reserves all authority not definitely granted to the United States, and makes the states and the people of the states holders of undelegated or inherent powers.

ARTICLE XI. *The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States*

by citizens of another State, or by citizens or subjects of any foreign State.

It is impossible for any person to sue a state of which he is not a citizen, in the United States Courts.

ARTICLE XIII. *Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*

The Thirteenth Amendment was adopted at the close of the Civil War for the purpose of abolishing slavery.

ARTICLE XIV — *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.*

The Fourteenth Amendment defines citizenship and provides for equal rights for all citizens.

ARTICLE XV. *The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.*

This amendment was adopted in 1870, in order to give the negro the full right of suffrage.

It will be noted that the last three articles were adopted after the Civil War and pertain to the rights of the negro. The Thirteenth Amendment gives him *freedom*, the Fourteenth gives him *citizenship*, and the Fifteenth gives him the *right to vote*.

QUESTIONS

1. What are some of the privileges that we enjoy to-day that did not belong to all of the people in colonial days?

2. What is a bill of rights? Did the Constitution when offered to the states for ratification contain a bill of rights? What was the attitude of the people toward this matter? How did the present bill of rights become a part of the Constitution? How many amendments does it contain?

3. Explain the guarantee of religious freedom.

4. Discuss the value of freedom of speech and press. How may these privileges be abused? Define slander and libel. Discuss right of assembly and right of petition.

5. Discuss the right of the people to keep and bear arms.

6. Explain the matter of search and seizure.

7. How many times may a person be tried for a crime?

8. Discuss the right of every person to a speedy trial; a public trial. Give the rights guaranteed to every accused person.

9. Discuss right of trial by jury.

10. What is said of bail and fines?

11. Do the rights guaranteed in the bill of rights protect us from state or from National wrongs? Explain.

12. Is it to be supposed that all of the rights of the people have been enumerated in the Constitution?

13. Explain Article X. Why was this amendment adopted?

14. Read and discuss Article XI.

15. Read and explain the Thirteenth Amendment; The Fourteenth Amendment; The Fifteenth Amendment. What did these three amendments do for the negro?

CHAPTER XXVII

DEVELOPMENT OF THE CONSTITUTION

Nature of the Constitution.— Had the men who drew up the Constitution, attempted to give with exactness the limits of the powers and duties of the Federal Government, the Constitution would have long since been outgrown. But this was not done. A constitution is only a framework of government, and gives general principles but not details.

The details of our government have been filled in by statutes, by judicial decisions, and by usage. These details may change from time to time to suit the varying needs of the people. For this reason, the Constitution with but fifteen amendments still supplies the foundation for our Federal union.

State and Federal Rights.— But while the form of the Constitution has remained the same, there has been much change in its application.

In 1790, the people were much more attached to their state governments than to the Nation, and the question of state and national rights divided the whole people until the close of the Civil War.

This is no longer an issue; the liberal view of national power has become a part of our conception of government.

Expansion of Power.— The growth in territory, population, and industry has necessitated a great expansion of the powers granted to the Government. This may be seen in the development of the postal system, which now includes a money order department, city and rural delivery, postal savings banks, etc., none of which are men-

tioned in the Constitution. Under the power to levy duties Congress has established a tariff. Under the power "to regulate commerce" it has spent vast sums in improving rivers and harbors. This progress was provided for in the Constitution in the words "provide for the general welfare," and in the last power granted to Congress, "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

New Powers.— Powers for which no authority can be found in the Constitution, have been exercised by the National Government, on the general theory that, as the central government, it may do for the welfare of the people, whatever is not forbidden by the Constitution, or does not interfere with the rights of the states. It is not always easy to decide whether a power is exercised under the clause of "implied powers," or whether it lies entirely outside of the Constitution. Examples of the latter class would be the work of the Department of Agriculture, of the Bureau of Corporations, Education, Reclamation, Pensions, Labor and much other of the valuable service of Government. The acquirement of new territory is not in any way mentioned in the Constitution, but it is a power that has been largely exercised.

Growth of Democracy.—Through the extension of the right of suffrage, the regulation of which is given by the Constitution to the states, the government of our country has grown far more democratic than it was a hundred years ago, when only land owners could vote. At that time "the People" meant only a portion of the grown white men of the country; today it means practically all of the grown men, white, or black and an increasing number of the grown women; altogether about 16,000,000 people, or one-fifth of the total number, are voters.

The Spirit of Democracy.— The spirit of democracy has not flourished in America alone. During the last century, in nearly every nation of the world, the power of the people has been steadily increasing. The right to vote has been extended, laws have been made with more and more regard for the needs and wishes of the people, and governments have become more democratic in form. The years that have passed since the formation of our Government have been filled with the struggles of other peoples for democracy, extending from the overthrow of the French monarchy in 1789, to the establishment of the Chinese Republic in the closing days of 1911. Democracy gives promise of becoming world-wide.

QUESTIONS

1. What is a constitution? Why has our Constitution not been outgrown?
2. Explain the change in the attitude of the people toward state rights and national rights since the adoption of the Constitution.
3. Discuss the expansion of national power. Give examples.
4. Discuss the development of new powers of the National Government. Name some such powers.
5. What does the Constitution say about acquiring new territory?
6. What is meant by democracy? Discuss the growth of democracy in our country. In other countries.

Let, then, the rising generation be inspired with an ardent love for their country, and an unquenchable thirst for liberty, and a profound reverence for the Constitution and the Union. Let the American youth never forget that they possess a noble inheritance, bought by the toils and sufferings and blood of their ancestors; and capable, if wisely improved and faithfully guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of liberty, of property, of religion, and of independence. The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful as well as useful; its arrangements are full of wisdom and order; and its defenses are impregnable from without.—JOSEPH STORY.

CONSTITUTION OF THE UNITED STATES OF AMERICA

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

SECT. II.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey

four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SECT. III.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECT. IV.—1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each

State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECT. V.—1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECT. VI.—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECT. VII. 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECT. VIII. The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas and offences against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State, in which the same shall be for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; —and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof.

SECT. IX. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding $10 for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECT. X. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]

3. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4. No person except a natural born citizen, or a citizen of the

United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5. In case of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

6. The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7. Before he enter on the execution of his office, he shall take the following oath or affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECT. II. 1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECT. III. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECT. IV. The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I. 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECT. II. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers and consuls; — to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party; — to controversies between two or more States; — between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction,

both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECT. III. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION I. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECT. II. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECT. III. 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECT. IV. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several

States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present, the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

[Signed by] GEORGE WASHINGTON,
President and Deputy from Virginia.

And thirty-eight members from all the states except Rhode Island.

ARTICLES IN ADDITION TO AND IN AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE I. — Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

ARTICLE II. — A well-regulated militia, being necessary to the security of a free State, and the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III. — No soldier shall, in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV. — The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V. — No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war and public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI. — In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

ARTICLE VIII. — Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX. — The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X. — The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI. — The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against any of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII. — 1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of

the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; — the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII. — Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV. — Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due

process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

Article XV. — Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

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